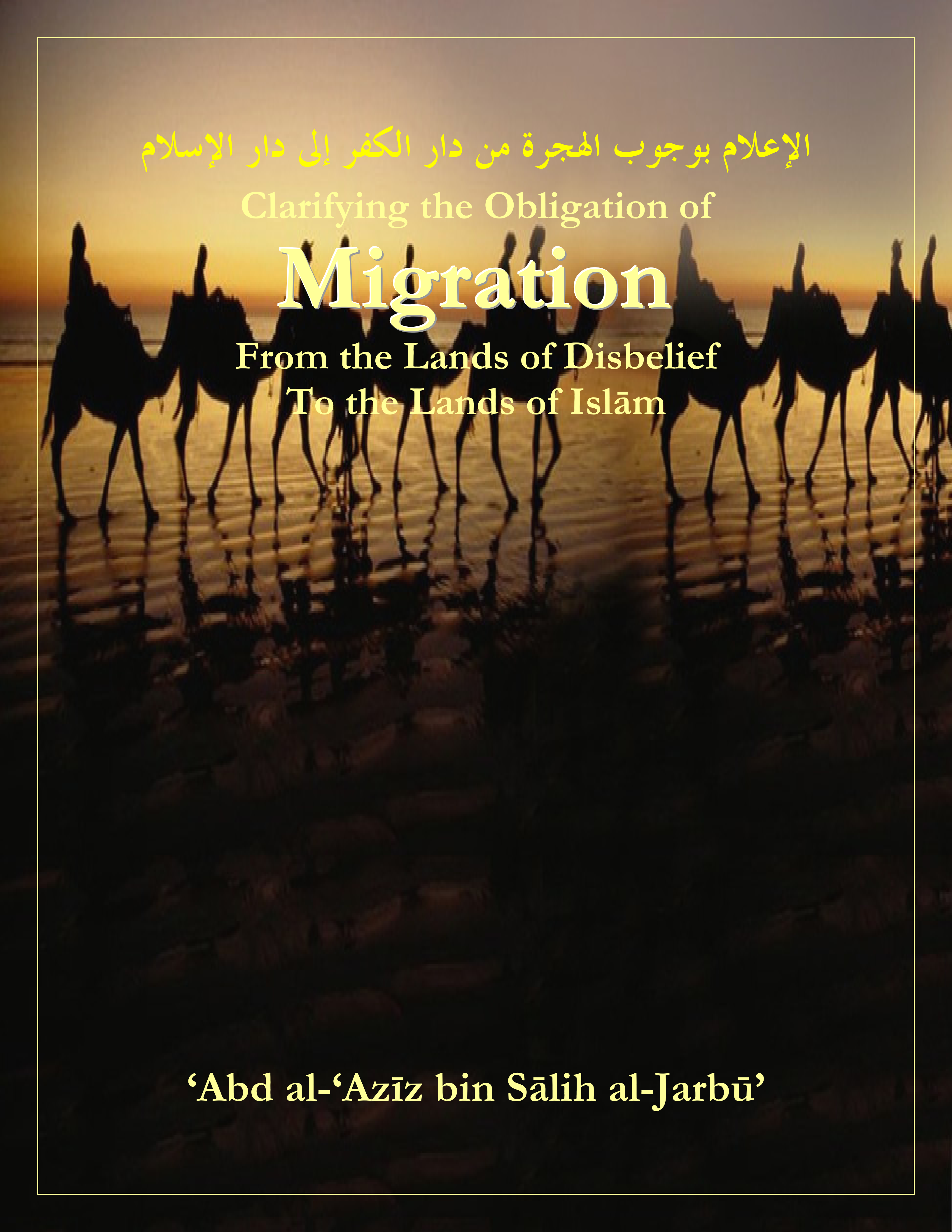


الإعلام بوجوب الهجرة من دار الكفر إلى دار الإسلام

Clarifying the Obligation of

Migration

From the Lands of Disbelief
To the Lands of Islām

‘Abd al-‘Azīz bin Sālih al-Jarbū’



"The more one is in contact with an environment, the more he becomes desensitized to it..."

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بسْمِ اللهِ الرَّحْمنِ الرَّحِيم

Indeed, all praise is due to Allāh. We praise Him, we seek His Assistance, and we seek His forgiveness, and we seek His Guidance, and we seek refuge with Allāh from the evils of our souls and from the mistakes in our actions. Whomsoever Allāh Guides, he is truly guided, and whomsoever Allāh leads astray, you will find no guiding partner for him. And I testify that there is none worthy of worship besides Allāh – alone, with no partners – and I testify that Muhammad is His servant and Messenger. May bountiful peace and blessings be upon him until the Day of Resurrection.

As for what follows:

The believers have had a recent taste of the calls of the delinquents in our societies – those who seek to deceive their religion and *Ummah* – for the Muslims to gather and live with the disbelievers, and that we must fear for ourselves from ourselves – not from the West, and not from the disbelieving, apostate governments – and that there is no problem whatsoever for us in living with the Jews and Christians or the regimes that serve them, and that the problem with the West and the apostate regimes is in their living with us.

These deceivers are confused between the mercy and freedom given by Islām to the People of the Book – a very narrow, specific freedom – as opposed to taking them as allies, as well as between the delaying of implementing the rulings of apostasy upon the apostates due to the lack of ability to do so versus loving to live with them, and this is since they have never been exposed to the true nature of this religion. They lack deep faith in this belief, and they do not realize the nature of the battle between us and the enemies of Allāh who are of various beliefs, some even being from those who ascribe themselves to Islām. These hirelings have confused the Muslims, claiming that the enmity between the Muslims and the Jews, Christians, and apostate regimes is simply one based on material and social issues, and that it is upon us to respect their distorted religions and tolerate freedom of thought for the apostates, and that between us and them are common points of agreement, and that Islām focuses on these common points, and that we should not focus on the points of dispute, and that the Muslims must stand with the Christians and apostates against atheism and oppression since they are People of the Book and the apostates are originally Muslim. To prove all of this, they went and dug out the texts that serve to support their position, saying that Allāh Said:

وَإِن جَنَحُوْا لِلسَّلْمِ فَاجْنَحْ لَهَا وَتَوَكَّلْ عَلَى اللّهِ إِنَّهُ هُوَ السَّمِيعُ الْعَلِيمُ

{***"But if they incline to peace, you also incline to it, and trust in Allāh. Indeed, He is the Hearer, the Knower."***}[1]

[1] *al-Anfāl*; 61

فاصْدَعْ بِمَا تُؤْمَرُ وَأَعْرِضْ عَنِ الْمُشْرِكِينَ

{***"Therefore, openly proclaim that which you were commanded, and turn away from the polytheists."***}[2]

الْيَوْمَ أُحِلَّ لَكُمُ الطَّيِّبَاتُ وَطَعَامُ الَّذِينَ أُوتُواْ الْكِتَابَ حِلٌّ لَّكُمْ وَطَعَامُكُمْ حِلٌّ لَّهُمْ

{***"Today, the good foods and the food of the People of the Book are lawful for you, and your food is lawful for them…"***}[3]

And they forgot – or caused themselves to forget – that Allāh has conversely Said:

وَقَاتِلُوهُمْ حَتَّى لاَ تَكُونَ فِتْنَةٌ وَيَكُونَ الدِّينُ لِلّهِ فَإِنِ انتَهَواْ فَلاَ عُدْوَانَ إِلاَّ عَلَى الظَّالِمِينَ

{***"And fight them until there is no more fitnah. But if they cease, let there be no transgression except against the wrongdoers."***}[4]

وَاقْتُلُوهُمْ حَيْثُ ثَقِفْتُمُوهُمْ وَأَخْرِجُوهُم مِّنْ حَيْثُ أَخْرَجُوكُمْ

{***"And kill them wherever you find them, and expel them from where they have expelled you…"***}[5]

وَقَاتِلُوهُمْ حَتَّى لاَ تَكُونَ فِتْنَةٌ وَيَكُونَ الدِّينُ كُلُّهُ لِلّه فَإِنِ انتَهَوْاْ فَإِنَّ اللّهَ بِمَا يَعْمَلُونَ بَصِيرٌ

{***"And fight them until there is no more fitnah, and worship will all be for Allāh. But, if they cease, certainly, Allāh is the Seer of what they do."***}[6]

فَإِذا لَقِيتُمُ الَّذِينَ كَفَرُوا فَضَرْبَ الرِّقَابِ حَتَّى إِذَا أَثْخَنتُمُوهُمْ فَشُدُّوا الْوَثَاقَ

{***"So, when you meet the disbelievers in battle, smite at their necks until you have killed and wounded many of them. Then, bind a bond firmly on them (i.e. take them as captives)…"***}[7]

يَا أَيُّهَا النَّبِيُّ جَاهِدِ الْكُفَّارَ وَالْمُنَافِقِينَ وَاغْلُظْ عَلَيْهِمْ وَمَأْوَاهُمْ جَهَنَّمُوَبِئْسَ الْمَصِيرُ

{***"O Prophet! Strive hard against the disbelievers and the hypocrites, and be severe against them. And their abode will be Hell, and what a terrible destination."***}[8]

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[2] *al-Hijr*; 94

[3] *al-Mā'idah*; 5

[4] *al-Baqarah*; 193

[5] *al-Baqarah*; 191

[6] *al-Anfāl*; 39

[7] *Muhammad*; 4

[8] *at-Tahrīm*; 9

يَا أَيُّهَا الَّذِينَ آمَنُواْ قَاتِلُواْ الَّذِينَ يَلُونَكُم مِّنَ الْكُفَّارِ وَلِيَجِدُواْ فِيكُمْ غِلْظَةً وَاعْلَمُواْ أَنَّ اللّهَ مَعَ الْمُتَّقِينَ

{***"O you who believe! Fight those of the disbelievers who are close to you, and let them find harshness in you, and know that Allāh is with the righteous."***}[9]

…and other verses and *ahādīth* that confirm the obligation of opposing these people and fighting them until they accept Islām, and if one is unable to fight them, the least he should do is to separate himself from them and migrate from their lands, the lands of *kufr*.

Indeed, the simpleminded one is ignorant and heedless of these realities, such as those who sugarcoat the issues of their religion in our times, where they say that we are able to put our hands in the hands of these people, stand with them against atheism and materialism, and describe us all as "people of religion, under the same sky," forgetting the teachings of our Qur'ān and Religion, and forgetting the lessons of history. These are the same people who turned the polytheists against the believers in Makkah and Madīnah, and since this *da'wah* has risen in every era, they have been the ones inciting the Crusader wars against the Muslims in Palestine. They were the ones who made our lands open for the Jews – cooperating in this with materialistic disbelievers – and they are the ones who are displacing the Muslims in Ethiopia, Somalia, Algeria, Eritrea, Yugoslavia, China, Turkistan, India, Kashmir, the Philippines, and everywhere else. They are the ones who at this time have come down with their full military force in Chechnya, and they are now conspiring against the Taliban movement,[10] and they have no helpers in this other than these slave regimes. After all of this, we have those who say that it is possible for us to live with them and accept their distorted religions.

Those who make this claim do not read the Qur'ān. If they read it, they certainly don't understand it, and if they understand it, they certainly mix some portions of it up with others because Islām is not ingrained in their depths or emotions. For them, it is not a belief besides which Allāh will accept no other, nor is it a religion that must overcome all others. This battle with the disbelievers is a battle of beliefs. It is not a battle brought on by a dispute over some small piece of land, language difference, military buildups, economics, modern technology, cultural progression, or any of these other banners that constantly rise and fall. In fact, it is not even due to their enmity towards us![11] Rather, it is a battle based on belief and religion. Just as they fight us from this standpoint, it is not possible that we can ever come together with them so long as there is heat in the summer, the Sun rises over land, and animals run around in the wilderness. Rather, what is obligatory is that we fight them with all the power that we have been given, and if we are unable to do this, we must abandon them and migrate from their lands and serve to wake the Muslims up from their sleep. This is from the most important of what the Muslim can do to serve his religion, and these few lines are nothing but an objective discussion of this issue and an attempt to spread awareness, as *hijrah* from the lands of *kufr* to the lands of Islām is from the first steps that

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[9] *at-Tawbah*; 123

[10] This book was written prior to the American invasion of Afghanistan.

[11] *Shaykh* Muhammad bin Ibrāhīm Āl ash-Shaykh wrote a concise treatise expounding upon the reasons for fighting and waging *Jihād* against the disbelievers titled: *'Fighting Them Because of Their Disbelief,'* and this is found in the 6th volume of his *'Rasā'il.'*

can be taken upon this path – the path of separation between the believers and the tyrants of the Earth, the path of calling to Allāh, the path of the Prophets, the truthful, the martyrs, and the righteous, and what great companions are these! It might be that these few lines and the words that they contain will serve as a torch to light this path to changing the grim reality in which we find ourselves, as we are in a situation that nobody can envy us over.

Hijrah has two purposes behind it:

- To escape from *fitnah* out of fear of the evil of *shirk*, as the more one is in contact with an environment, the more he becomes desensitized to it. In fact, a Muslim might even adopt the theoretic outlook of the disbelievers (we ask Allāh to protect us from this evil).

- To aid in the process of fighting against the enemies of Allāh, by moving to join the Muslims, aiding them, working to unite their ranks, and being free to call to and spread the Religion which Allāh has commanded us to spread to the people.

Before clarifying this even further, it is necessary to first clarify what is meant by the terms *'Dār al-Harb'* and *'Dār al-Islām,'* as well as the various types of lands.

- 1 -

Defining the Term *'Dār'*

This term has two meanings: one general, the other specific.

The specific definition is what the *Fuqahā'* defined as a plot of land for which there are borders that surround homes, grazing areas for animals and agriculture, and not having a roof. So, it contains plants for the sustenance and benefit of its inhabitants, as is found in *'Radd al-Muhtār 'alā ad-Durr al-Mukhtār.'*[12] The general definition of the term *'dār'* is that it is a place that combines open space and buildings. This term can also be applied to any piece of land. The author of *'Mu'jam al-Lughah'* said: "A *dār* is a living space that combines buildings with what surrounds them, as Allāh Said:

فَجَاسُواْ خِلاَلَ الدِّيَارِ وَكَانَ وَعْدًا مَّفْعُولاً

{***"They entered the very innermost parts of your homes (diyār), and it was a promise fulfilled."***}[13]

أَلَمْ تَرَ إِلَى الَّذِينَ خَرَجُواْ مِن دِيَارِهِمْ

{***"Did you not see those who went forth from their homes (diyārihim)…"***}[14]

So, from here, we are able to say that a *dār* can be a city, region, country, or even a village. What is important is that it contains a group of people who live in any part of this land who rule over every aspect of its affairs, whether they rule by laws that are divine or manmade. We can also say that a *dār* is a region of land containing smaller pieces of land that fall under its rule.

In our current times, and based on modern custom, we can say that a *dār* is a country that is a collection of smaller states with authority over certain pieces of land, with its own borders and places of residence. So, the ruler of this land – whether he is referred to as the *khalīfah*, *amīr al-mu'minīn*, etc. – is the head authority of this land. This is what was meant by the term *'dawlah'* when it was used by the *Fuqahā'* writing about Islāmic politics, rulings of leadership, etc. The overall conclusion of this is that we can say that a country is established upon three foundations: the land, the citizens of that land, and force (to keep those citizens in check). A country is composed of a collection of smaller governments and states, such that each state plays its part in the overall functioning of the nation, with each state working together to

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[12] This book was written by Muhammad Amīn bin 'Umar bin 'Abd al-'Azīz bin Ahmad bin 'Abd ar-Rahīm bin Najm ad-Dīn (died 1252 H), more commonly known as Ibn 'Ābidīn. It is a very famous manual of Hanafī *Fiqh* more commonly known as *'Hāshiyat Ibn 'Ābidīn.'*

[13] *al-Isrā'*; 5

[14] *al-Baqarah*; 243

fulfill an overall goal, which is to look after the worldly and religious interests of the Muslims.

- The Types of *Diyār* -

i) Dār al-Islām

This is every piece of land in which the rulings of Islām are in authority. ash-Shāfi'ī said: "It is every land in which the rulings of Islām are apparent."

Others have said: "There must not be a single aspect of the rulings of *kufr* present in it, such as denial of a Prophet, any book from the Books of Allāh, mockery of any aspect of the Religion, or atheism."

Others have said: "Any land in which the call of Islām is apparent from its people without any impediment, and in which the rule of the Muslims is implemented upon the *dhimmī*s (if they happen to live there), and the people of innovation do not have superiority over the people of the *Sunnah*."

Others have said: "Any land in which the Muslims live, even if others reside their along with them, or any land in which the rule of the Muslims is uppermost."

So, the Islāmic lands are all the regions that are under the rule of the Muslims, with the inhabitants of those lands being those who live within their borders – Muslims, as well as *dhimmī*s – with the leadership applying the Islāmic laws.

ii) Dār al-Kufr

This is any land in which the laws of the disbelievers is uppermost and with which there is no war with the Muslims, and its ruling is the same as that of a *Dār al-Harb* that has a treaty with the Muslims. So, every *Dār al-Harb* is classified as *Dār al-Kufr*, but not vice versa.

iii) Dār Murakkabah (mixed)

This is a land which contains both elements: it is not a land of Islām in which the laws of Islām are applied, but it is also not a *Dār al-Harb* whose inhabitants are disbelievers. Rather, it is a third category in which the Muslim is treated as he deserves to be treated and the one who rebels against the *Sharī'ah* of Islām is fought as he deserves to be fought, as Ibn Taymiyyah mentioned in *'al-Fatāwā al-Kubrā'* (4/331) and *'Majmū' al-Fatāwā'* (28/142).

iv) Dār al-Harb

This is any land in which there is a state of war between the believers and the disbelievers. So, *Dār al-Harb* is the *Dār al-Kufr* that is at war with the Muslims.

v) Dār al-'Ahd (covenant)

This is every land that has made peace with the Muslims by not fighting them.

vi) Dār al-Baghī (rebellion)

This is the part of *Dār al-Islām* from which a group of the Muslims have broken away out of a desire to rebel against the Muslim ruler of that land.

And the references for knowing the details of these defined *diyār* are the books of *Fiqh*, where these definitions are widespread. It should be noted that some of the *madhāhib* consider that there are only three types of *diyār*, some say four, and so on. Therefore, whoever wants further detail in regards to this subject, he should refer to a group of the well known books of *Fiqh* without limiting himself to just one of them, due to the expansiveness of the topic.

So, what is meant by *Dār al-Islām* is any land in which the rule of the Muslims is being implemented, is inhabited by the Muslims (even if they share it with others), and in which the laws of Islām are uppermost, or all the regions that are under the rule of the Muslims with the inhabitants of those lands being those who live within their borders –Muslims, as well as *dhimmī*s – with the leadership applying the Islāmic laws.

Conversely, *Dār al-Kufr* is that land in which the rule of the disbelievers is uppermost,[15] and its ruling is the same as that of a *Dār al-Harb* that has a treaty with the Muslims, as every *Dār al-Harb* is *Dār al-Kufr*, but not vice versa.

[15] The author commented**:** "And from what should be known is that there are issues that constitute *kufr* that are not known except to the scholars and students of knowledge due to their being very specific and hidden. Therefore, such issues are not considered to be the open disbelief (*kufr bawāh*) that is understood by the majority of the Muslims. For example, ruling by other than what Allah revealed in some issues, with the agreement that it is *kufr* according to the categorization of *Shaykh* Muhammad bin Ibrāhīm, there is too much confusion regarding this on the part of the general population of Muslims to obligate *hijrah* upon them from such a land and to declare them sinners for not migrating. This is why Islām came and restricted such a situation to that *kufr* for which there is a proof from Allāh, such that the average Muslim will understand it before the scholars. This serves as a protection for the one rebelling against the ruler from having to enter into conflict with the general population in which they would fight him while he is the one upon the truth! However, the lack of open *kufr* being committed has led to confusion on the part of the people. So, this rebellion against the ruler and removal of him - or *hijrah* in the case of those who cannot rebel against him - is necessitated in the case of this openly committed, clear cut *kufr*. And the purpose behind this condition in the *hadīth* is not to protect the apostate ruler. Rather, it is to protect the believer who seeks to rebel against him, seeking the Face of Allāh, whose reasons for rebelling are valid, and who has seen that which is no doubt *kufr*, but is not open, clear cut *kufr* (*bawāh*). Additionally, it is to protect the ruler who has made a false interpretation (*ta'wīl*) in the *Shar'* or the Arabic language. Likewise, it is to prevent the shedding of the blood of the Muslims."

- 2 -

Defining the Term *'Hijrah'*

As for its linguistic meaning, it is written in Ibn Mandhūr's *'Lisān al-'Arab'* and az-Zubaydī's *'Tāj al-'Arūs'* that the root word *'hajara'* is the opposite of 'connection,' and it means to severe ties with something, and the word *'hijrah'* is in the *hadīth*: **"Abandonment (*hijrah*) of someone beyond three days is not allowed."**[16]

As for it's meaning in the *Sharī'ah*, then in short, it is to leave *Dār al-Harb* for *Dār al-Islām*, as Ibn al-'Arabī (may Allāh have Mercy upon him) said in *'Ahkām al- Qur'ān.'* In *'al-Mughnī,'* Ibn Qudāmah al-Maqdisī said: "It is to leave *Dār al-Kufr* for *Dār al-Islām*." Sa'd bin 'Atīq (may Allāh have Mercy upon him) said in *'ad-Durar as-Saniyyah'*: "It is to relocate oneself from the places of polytheism and disobedience to the places of Islām and obedience."

- The Ruling on *Hijrah* from *Dār al-Kufr* to *Dār al-Islām* -

The people of knowledge – may Allāh have Mercy upon all of them - have differed over the basic ruling of *hijrah*: is it ongoing? Has it been abrogated? There are two opinions on this, with no third, and this difference of opinion is the result of the variations amongst the scholars in understanding the proofs and their meanings.

The first opinion is that it has been abrogated, and that the original ruling of the obligation of *hijrah* has been cut off. Most of those who hold this view are of the Hanafīs. al-Jassās confirmed this in his book *'Ahkām al-Qur'ān,'* where he said regarding the Saying of Allāh:

فَلاَ تَتَّخِذُواْ مِنْهُمْ أَوْلِيَاء حَتَّىَ يُهَاجِرُواْ فِي سَبِيلِ اللّهِ

{***"…So do not take awliyā' from them till they migrate in the Path of Allāh…"***}[17]

"This means – and Allāh Knows best – until they accept Islām and migrate, since *hijrah* occurs after one accepts Islām, and if they accept Islām, there is no alliance between us and them except after they make *hijrah*, and this is like His Saying:

مَا لَكُم مِّن وَلاَيَتِهِم مِّن شَيْءٍ حَتَّى يُهَاجِرُواْ

{***"…you owe no duty of protection to them until they migrate…"***}[18]

And this was when *hijrah* was an obligation, and the Prophet (peace be upon him) said: **"I am free of every Muslim who settles amongst the polytheists, and I am free of every**

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[16] Ahmad (8960) and Muslim (2562)

[17] *an-Nisā'*; 89

[18] *al-Anfāl*; 72

Muslim who lives with a polytheist." It was asked of him: "Why, O Messenger of Allāh?" He replied: **"None of them should see any light coming from the house of the other."**[19] So, *hijrah* was obligatory until Makkah was conquered, after which the obligation of *hijrah* was abrogated. It has been narrated on the authority of Ibn 'Abbās that the Messenger of Allāh (peace be upon him) said on the day of the conquering of Makkah: **"There is no more *hijrah*. Rather, there is *Jihād* and the intention for it. So, if you are called forth, go forth."**[20] Also, Abū Sa'īd al-Khudrī narrated that a man asked the Messenger of Allāh (peace be upon him) regarding *hijrah*, to which the Prophet (peace be upon him) said: **"Woe to you! Indeed, the affair of *hijrah* is very difficult. Do you own any camels**?" The man said: "Yes." The Prophet asked: **"Do you pay the charity that is due on their behalf?"** The man replied: "Yes." The Prophet then said: **"Go on doing good deeds from across the seas, for surely, Allāh will not leave any of your deeds unrewarded."**[21] So, the Prophet (peace be upon him) allowed this man to abandon making *hijrah*.

Also, it was narrated that a man came to 'Abdullāh bin 'Amr bin al-'Ās saying: "Narrate to me something that you heard from the Messenger of Allāh (peace be upon him)," to which 'Abdullāh bin 'Amr said: "I heard the Messenger of Allāh (peace be upon him) say: **"The Muslim is the one who protects the Muslims from his tongue and hand, and the *muhājir* is the one who abandons that which Allāh has forbidden."**"[22]

Likewise, Ibn 'Ābidīn (the author of '*Radd al-Muhtār 'alā ad-Durr al-Mukhtār*') said: "As for the saying that the one who accepts Islām without making *hijrah* to us cannot inherit from the Muslim that lives in our land (*Dār al-Islām*), and that the Muslim who lives in *Dār al-Islām* cannot inherit from the one who has accepted Islām without making *hijrah* to us – whether or not he is secure in *Dār al-Harb* – this is refuted by what some of our scholars have said, that this appears to have been in the early days of Islām back when *hijrah* was an obligation. Do you not see that Allāh – the Exalted – has removed any sort of protection between the one who migrates and the one who does not migrate, where He Said:

وَالَّذِينَ آمَنُواْ وَلَمْ يُهَاجِرُواْ مَا لَكُم مِّن وَلاَيَتِهِم مِّن شَيْءٍ حَتَّى يُهَاجِرُواْ

{***"As for those who believed, but did not emigrate, you owe no duty of protection to them, until they migrate…"***}[23]

So, when any protection was nullified between them, so was any inheritance, as the ruling of inheritance is tied to that of protection. As for today, they should inherit from each other, as

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[19] Abū Dāwūd (2645), and al-Albānī declared it *sahīh*

[20] al-Bukhārī (3077) and Muslim (1864)

[21] al-Bukhārī (1452) and Muslim (1865)

[22] al-Bukhārī (10)

[23] *al-Anfāl*; 72

the ruling of *hijrah* has been abrogated due to the saying of the Prophet (peace be upon him): **"There is no *hijrah* after the conquering (of Makkah)."**'[24] (end of Ibn 'Ābidīn's words)

And many similar statements were made besides those of these two scholars that *hijrah* has ceased, since the Prophet (peace be upon him) said: **"There is no *hijrah* after the conquering (of Makkah),"** and he said: **"*Hijrah* has been cut off. There is only *Jihād*, and the intention for it."**

It has also been narrated that when Safwān bin Umayyah accepted Islām, it was said to him: "There is no religion for the one who does not migrate." So, he came to Madīnah, and the Prophet (peace be upon him) said: **"What has brought you here, Abā Wahb?"** He replied: "It was said to me that there is no religion for the one who does not migrate." So, the Prophet said to him: **"Return, O Abā Wahb, to the depths of Makkah, and stay where you reside, as *hijrah* has been cut off. There is only *Jihād* and the intention for it."**[25]

The second opinion, which is the opinion of the majority - as well as some of the Hanafīs who contradicted the opinion of their own *madhhab,* such as al-Hasan - is that the ruling of the verse applies to everyone who settles in *Dār al-Harb*, and saw that *hijrah* to *Dār al-Islām* is forever obligatory, and this opinion of his was reported by al-Jassās, who differed in this.

Others who carried the same opinion – and this is by no means an exhaustive list – include al-Khattābī, at-Tayyibī, an-Nawawī, *al-Hāfidh* Ibn Hajar al-'Asqalānī, Ibn Qudāmah al-Maqdisī, Ibn al-'Arabī, Ibn Taymiyyah and his student Ibn al-Qayyim, ash-Shawkānī, and those who came after them. Also narrating this opinion, and considering it to be the strongest, have been the leaders of the Salafī *da'wah*, starting with the reviver Muhammad bin 'Abd al-Wahhāb, all the way up to Muhammad bin Ibrāhīm.[26]

Regarding this, Ibn 'Arabī said in *'Ahkām al-Qur'ān'*: "*Hijrah* is to leave *Dār al-Harb* for *Dār al-Islām*, and it was obligatory in the time of the Messenger of Allāh (peace be upon him), and this ruling continued afterwards for the one who fears for himself. What has been cut off is the original goal of specifically migrating to the Prophet (peace be upon him), which is why he said: **"…there is only *Jihād* and the intention for it."**"

at-Tayyibī and others said: "The meaning is that the requirement from every individual for the *hijrah* that consisted of leaving one's homeland to Madīnah has ceased, but that the ruling of leaving one's homeland for *Jihād* remains, just as it remains for any other righteous intention, such as to escape from *Dār al-Kufr*, to go out in pursuit of knowledge, or to escape from *fitan*."

an-Nawawī said: "What is meant is that the attainable good that was cut off with the cutting off of the *hijrah* could also be attained by *Jihād* as well as a righteous intention."

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[24] al-Bukhārī (1834) and Muslim (1353)

[25] Reported in the *'Sunan'* of Sa'īd bin Mansūr, and al-Albānī declared it *sahīh* in *'Irwā' al-Ghalīl'* (5/9)

[26] Refer to the chapter on *Jihād* in the second printing of *'ad-Durar as-Saniyyah.'* This was also the opinion of the *Shaykh*, the *'Allāmah* Ibn Bāz, as well as *Shaykh* 'Abd ar-Razzāq 'Afīfī (may Allāh have Mercy upon them all).

Ibn Qudāmah said in *'al-Mughnī,'* responding to those who view the ruling as abrogated: "We have what has been narrated by Mu'āwiyah, that he said: "I heard the Messenger of Allāh (peace be upon him) say: **"*Hijrah* will not be cut off until repentance is cut off, and repentance will never be cut off until the Sun rises from the West.""**[27] It was also narrated that the Prophet (peace be upon him) said: **"*Hijrah* will not be cut off as long as there is *Jihād*."**[28] With this and all of the relevant verses and various narrations that lend proof to this, one can see that the implications of this ruling span all times.

As for the *ahadīth* they bring as proof:

What the Prophet meant by **"There is no *hijrah* after the conquering"** is that there is no *hijrah* from a land that has been conquered by the Muslims.

As for his statement to Safwān: **"*Hijrah* has been cut off,"** this is in reference to Makkah, as *hijrah* is to leave the lands of the disbelievers. So, if this land is conquered, it is no longer considered to be a land of the disbelievers, and *hijrah* is no longer obligatory from that land. Likewise, any land that has been conquered by Islām is no longer a land from which *hijrah* is to be made. Rather, *hijrah* is to be made to it." (end of Ibn Qudāmah's words)

This is a very summarized analysis of the issue, and the intelligent and insightful observer will find that the opinion of the majority that the ruling is not abrogated and still stands is the stronger opinion, as we should take into account both sets of proofs as opposed to simply one of them. One cannot be convinced of the opinion of the ruling being abrogated unless he avoids reconciling between the textual proofs, and reconciliation between the proofs is very possible – thanks to Allāh – as the majority of the scholars have responded to those holding the opposing opinion of abrogation.

What remains for us is to realize that those who opined that the ruling on *hijrah* still stands and remains have differed as to whether it is obligatory (*wājib*), preferred (*mustahabb*), or encouraged (*mandūb*), and if I had wanted to present the statements of the people of knowledge in this regard, the length of this research would be beyond what is appropriate, and the reader would become lost. However, with a little effort, I will summarize the issue by saying that in regards to the issue of *hijrah*, we cannot rule it to be unrestrictedly *wājib*, just as we cannot rule it to be unrestrictedly *mandūb* or permissible (*mubāh*). Rather, one looks at the detailed conditions and circumstances of the *muhājir*, the conditions and circumstances of the land from which he is migrating, as well as those of the land to which he is migrating. In any case, assuming that he is migrating from a land of *kufr* to a land of Islām, or a land of sin to a land of piety, this resident of *Dār al-Kufr* seeking to migrate to *Dār al-Islām* will find himself in one of four situations, which I will describe in the next section.

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[27] al-Albānī declared it *sahīh* in *'Sahīh Sunan Abī Dāwūd'* (2166)

[28] al-Albānī declared it *sahīh* in *'Sahīh al-Jāmi''* (1991) and *'as-Silsilah as-Sahīhah'* (1674)

- 3 -

- The Four Scenarios of the *Muhājir* and Their Relevant Rulings -

The *muhājir* will find that he falls under one of the following four categories:

- He is unable to openly practice his religion in *Dār al-Kufr*, and he has the ability to make *hijrah*
- He is unable to openly practice his religion in *Dār al-Kufr*, and he is unable to make *hijrah*
- He is able to openly practice his religion in *Dār al-Kufr*, and he is unable to make *hijrah*, if he were to wish to do so
- He is able to openly practice his religion in *Dār al-Kufr*, and he has the ability to make *hijrah*, if he were to wish to do so

As for the first situation – that he is unable to openly practice his religion in *Dār al-Kufr*, and he is able to migrate from there – the scholars are unanimously agreed that *Hijrah* in this situation is obligatory (*wājib*),[29] and whoever does not migrate is under the threat of punishment, and he becomes one whom the Messenger of Allāh (peace be upon him) categorically disassociated himself from. In fact, if such a person happened to be a woman who could not find a *mahram*, and she felt that she could safely make her way out of *Dār al-Kufr*, or that the danger of remaining in *Dār al-Kufr* outweighed the danger of her traveling on her own, *hijrah* becomes obligatory upon her,[30] due to Allāh's Saying:

إِنَّ الَّذِينَ تَوَفَّاهُمُ الْمَلآئِكَةُ ظَالِمِي أَنْفُسِهِمْ قَالُواْ فِيمَ كُنتُمْ قَالُواْ كُنَّا مُسْتَضْعَفِينَ فِي الأَرْضِ قَالْوَاْ أَلَمْ تَكُنْ أَرْضُ اللّهِ وَاسِعَةً فَتُهَاجِرُواْ فِيهَا فَأُوْلَـئِكَ مَأْوَاهُمْ جَهَنَّمُ وَسَاءتْ مَصِيرًا

{***"Indeed, as for those whom the Angels take while they are wronging themselves, they (Angels) will say: 'In what condition were you?' They will reply: 'We were weak and oppressed on Earth.' They will say: 'Was not the Earth of Allāh spacious enough for you to emigrate therein?' Such men will find their abode in Hell - what an evil destination!"***}[31]

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[29] This will be clarified later on in the words of ash-Shawkānī. And in *'al-Jāmi' al-Muhadhab,'* he said: "As for the obligation of *hijrah* from *Dār al-Kufr*, the scholars differed over the obligation and lack of obligation of doing so. As for the obligation of *hijrah* from *Dār al-Harb*, they are unanimously agreed on this."

[30] This is one of the situations in which the scholars have allowed a woman to travel without a *mahram*, provided the way is safe. This is due to the importance of *hijrah*, and its status as the criterion between those who have true faith and those who do not.

[31] *an-Nisā'*; 97

And this verse contains a severe threat which could never be made except in the case of one who performs something forbidden or abandons an obligation. It is also obligatory due to the *hadīth* of Jarīr bin 'Abdillāh: **"I am free of every Muslim who settles amongst the polytheists,"**[32] as well as: **"*Hijrah* will never be cut off, so long as the enemy is fought."**[33] As for the *hadīth*: **"There is no *hijrah* after the conquering,"** this means that there is no *hijrah* from Makkah after its conquering due to its status as a *Dār al-Islām* until the Day of Resurrection, and this is the opinion of the majority of the people of knowledge in regards to the meaning of this *hadīth*.

In *'Subul as-Salām,'* as-San'ānī said: "This *hadīth*[34] is a proof of the obligation of *hijrah* from the lands of the polytheists besides Makkah, and this is the opinion of the majority due to the *hadīth* of Jarīr, and due to what was attributed to the Prophet: **"Allāh does not accept from a polytheist any action after his entering into Islām until he separates himself from the polytheists to be with the Muslims,"**[35] and due to the general implications of Allāh's Saying:

إِنَّ الَّذِينَ تَوَفَّاهُمُ الْمَلآئِكَةُ ظَالِمِي أَنْفُسِهِمْ قَالُواْ فِيمَ كُنتُمْ قَالُواْ كُنَّا مُسْتَضْعَفِينَ فِي الأَرْضِ قَالْوَاْ أَلَمْ تَكُنْ أَرْضُ اللّهِ وَاسِعَةً فَتُهَاجِرُواْ فِيهَا فَأُوْلَـئِكَ مَأْوَاهُمْ جَهَنَّمُ وَسَاءتْ مَصِيرًا

{***"Indeed, as for those whom the Angels take while they are wronging themselves, they (Angels) will say: 'In what condition were you?' They will reply: 'We were weak and oppressed on Earth.' They will say: 'Was not the Earth of Allāh spacious enough for you to emigrate therein?' Such men will find their abode in Hell - what an evil destination!"***}[36]

And the minority group of scholars are of the opinion that *hijrah* is not mandatory, and that the *ahādīth* regarding this are all abrogated by the following *hadīth* of Ibn 'Abbās (may Allāh be Pleased with him): **"There is no *hijrah* after the conquering (of Makkah). Rather, there is *Jihād* and the intention for it."** They said that this narration is general and abrogates the *hijrah* previously mentioned, and that the Prophet did not order those Arabs who had entered into Islām to migrate to him, and he did not reprimand them for remaining in their lands, and because the Messenger of Allāh (peace be upon him), when he sent out an invading army, would say to their leader: **"When you meet your enemies from the polytheists, invite them to three courses of action. If they respond to any one of these, you also accept it, and withhold yourself from doing them any harm. Invite**

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[32] at-Tirmidhī (4/155), and al-Albānī declared it *sahīh*.

[33] Ahmad (1/192), and al-Haythamī said that its men are trustworthy

[34] He is referring to the *hadīth*: **"I am free of every Muslim who settles amongst the polytheists,"**and Ibn Hajar said in *'Bulūgh al-Marām'*: "It was narrated by Abū Dāwūd, at-Tirmidhī, and an-Nasā'ī, and its chain is *sahīh*."

[35] Ibn Mājah (2536) and at-Tirmidhī (4/155), and al-Albānī declared it *hasan* in *'as-Silsilah as-Sahīhah'* (369) and *'Irwā' al-Ghalīl'* (5/32)

[36] *an-Nisā'*; 97

them to Islām. If they respond to you, accept it from them and desist from fighting against them. Then, invite them to migrate from their lands to the land of the *muhājirīn,* and inform them that if they do so, they shall have all the privileges and obligations of the *muhājirīn*. If they refuse to migrate, tell them that they will have the status of the bedouins, and will be subjected to the commands of Allāh, like the believers…"[37]

So, here, he did not obligate them to perform *hijrah*, and the other *ahādīth* are to be interpreted to be in regards to the one who does not feel secure in practicing his religion, and they said that this is how we reconcile between the narrations.

Those who saw the obligation of *hijrah* replied to this by saying that the *hadīth* that says that there is no *hijrah* is referring specifically to Makkah, as is proven by the Prophet's saying **"…after the conquering…"** as *hijrah* was obligatory from Makkah before it was conquered.

ash-Shāfi'ī said in *'Ahkām al-Qur'ān'*: "And the Messenger of Allāh (peace be upon him) obligated the one who is able to perform *hijrah* to leave if he was from those who was put to trial in regards to their religion, and was not prevented from leaving. So, it was said in regards to a man who had died and sat behind rather than migrate:

إِنَّ الَّذِينَ تَوَفَّاهُمُ الْمَلآئِكَةُ ظَالِمِي أَنْفُسِهِمْ قَالُواْ فِيمَ كُنتُمْ قَالُواْ كُنَّا مُسْتَضْعَفِينَ فِي الأَرْضِ قَالْوَاْ أَلَمْ تَكُنْ أَرْضُ اللّهِ وَاسِعَةً فَتُهَاجِرُواْ فِيهَا فَأُوْلَـئِكَ مَأْوَاهُمْ جَهَنَّمُ وَسَاءتْ مَصِيرًا

{***"Indeed, as for those whom the Angels take while they are wronging themselves, they (Angels) will say: 'In what condition were you?' They will reply: 'We were weak and oppressed on Earth.' They will say: 'Was not the Earth of Allāh spacious enough for you to emigrate therein?' Such men will find their abode in Hell - what an evil destination!"***}[38]

And Allāh clarified the excuse of the weak:

إِلاَّ الْمُسْتَضْعَفِينَ مِنَ الرِّجَالِ وَالنِّسَاء وَالْوِلْدَانِ لاَ يَسْتَطِيعُونَ حِيلَةً وَلاَ يَهْتَدُونَ سَبِيلاً * فَأُوْلَـئِكَ عَسَى اللّهُ أَن يَعْفُوَ عَنْهُمْ وَكَانَ اللّهُ عَفُوًّا غَفُورًا

{***"Except the weak ones from the men, women, and children who cannot devise a plan, nor are they able to direct their way. For these, it might be that Allāh will Forgive them, and Allāh is Pardoning, Forgiving."***}[39]

And it is said that when the phrase "it might be" comes from Allāh, it implies an obligation He has placed upon Himself. And the *Sunnah* of the Messenger of Allāh (peace be upon him) has proven that *hijrah* is obligatory for the able-bodied one who fears being put to trial

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[37] Muslim (1731)

[38] *an-Nisā'*; 97

[39] *an-Nisā'*; 98-99

because of his religion, to the land in which he will feel safe, as the Messenger of Allāh (peace be upon him) allowed some people to remain in Makkah after their entering Islām – including al-'Abbās bin 'Abd al-Muttalib, and others – if they did not fear *fitnah* for themselves. And he used to command his armies to say to those enemies who had accepted Islām: "If you migrate, you will have what is for the *muhājirīn*, and if you remain, then you are like the bedouins," and he would give them no choice besides these." (end of ash-Shāfi'ī's words)

And the author of *'Nayl al-Awtār'* – ash-Shawkānī – said under the topic *'Living Amongst the Disbelievers'*: "And Ibn al-'Arabī said: "*Hijrah* is to leave *Dār al-Harb* for *Dār al-Islām*, and it was obligatory during the time of the Prophet (peace be upon him), and this obligation continued after his time for the one who fears for himself." And it has been said in *'al-Bahr'*[40] that there is consensus that *hijrah* is obligatory from *Dār al-Kufr*, to the point that the one who abandons doing this has committed an act of disobedience. And Ja'far bin Mubashir and some of the *Hādawiyyah*[41] said that *hijrah* is obligatory from the lands of disobedience and sin, and they derived this ruling by way of *qiyās*[42] with the ruling regarding *Dār al-Kufr*, and it is a *qiyās* between two different issues. The truth is that it is not obligatory to migrate from a land of sin, as it is still considered to be *Dār al-Islām*, and to compare *Dār al-Islām* to *Dār al-Kufr* simply because of the presence of open disobedience in it is not appropriate when it comes to explaining this issue. And in regards to the types of *diyār* and the legitimate excuses for not migrating from them, the *Fuqahā'* have conducted many detailed researches which are not appropriate to go into here." (end of ash-Shawkānī's words)

From these statements that are supported with proofs from the *Sharī'ah*, it becomes clear to us that *hijrah* in this first situation is an individual obligation, and there is not the least bit of doubt in this.

As for the second situation – that he is unable to openly practice his religion in *Dār al-Kufr*, and he is unable to make *hijrah* – the scholars have agreed in this situation that *hijrah* is not an obligation, and there is no known difference of opinion regarding this point. And this is due to His Saying:

إِلاَّ الْمُسْتَضْعَفِينَ مِنَ الرِّجَالِ وَالنِّسَاء وَالْوِلْدَانِ لاَ يَسْتَطِيعُونَ حِيلَةً وَلاَ يَهْتَدُونَ سَبِيلاً * فَأُوْلَـئِكَ عَسَى اللّهُ أَن يَعْفُوَ عَنْهُمْ وَكَانَ اللّهُ عَفُوًّا غَفُورًا

{***"Except the weak ones from the men, women, and children who cannot devise a plan, nor are they able to direct their way. For these, it might be that Allāh will Forgive them, and Allāh is Pardoning, Forgiving."***}[43]

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[40] He is referring to the book *'al-Bahr az-Zikhār al-Jāmi' li Madhāhib 'Ulamā' al-Amsār,'* and it is a book of *Zaydī Fiqh* by Ahmad al-Murtadī, and it is in 6 volumes.

[41] This is a sect of the *Shī'ah* that ascribes itself to Muhammad bin al-Hādī, and it was widespread in Yemen during the time of as-San'ānī. He would utilize many of their *Fiqh* opinions due to their being so widespread.

[42] *Qiyās*: analogical reasoning

[43] *an-Nisā'*; 98

And the lack of ability here can be due to sickness, coercion to remain in *Dār al-Kufr*, or weakness – such as that of women, the elderly, etc. – or any other type of inability that removes the obligation of *hijrah* from one.

Ibn Qudāmah said in *'al-Mughnī'*: "The second situation is in regards to the one who is not obliged to migrate, and this is the one who has the inability to do so, whether this is due to sickness, coercion, weakness of women and the elderly, and what is similar. So, such people are not obliged to migrate due to the Saying of Allāh:

إِلاَّ الْمُسْتَضْعَفِينَ مِنَ الرِّجَالِ وَالنِّسَاء وَالْوِلْدَانِ لاَ يَسْتَطِيعُونَ حِيلَةً وَلاَ يَهْتَدُونَ سَبِيلاً * فَأُوْلَـئِكَ عَسَى اللّهُ أَن يَعْفُوَ عَنْهُمْ وَكَانَ اللّهُ عَفُوًّا غَفُورًا

{***"Except the weak ones from the men, women, and children who cannot devise a plan, nor are they able to direct their way. For these, it might be that Allāh will Forgive them, and Allāh is Pardoning, Forgiving."***}[44]

Because of this, ash-Shāfi'ī said in *'al-Umm'* and *'Ahkām al-Qur'ān'*: "So, Allāh – the Mighty and Majestic – has excused those who have been put to trial who are unable to perform *hijrah*, and Said:

مَن كَفَرَ بِاللّهِ مِن بَعْدِ إيمَانِهِ إِلاَّ مَنْ أُكْرِهَ وَقَلْبُهُ مُطْمَئِنٌّ بِالإِيمَانِ وَلَـكِن مَّن شَرَحَ بِالْكُفْرِ صَدْرًا فَعَلَيْهِمْ غَضَبٌ مِّنَ اللّهِ وَلَهُمْ عَذَابٌ عَظِيمٌ

{***"Whoever disbelieved in Allāh after his belief - except he who is forced to do so, and his heart is at rest with faith - but those who open their chests to disbelief, upon them is wrath from Allāh, and a great torment will be theirs."***}[45]

And he sent to them the Messenger of Allāh (peace be upon him) to tell them that Allāh – the Mighty and Majestic – had made a way out for them, and Allāh – the Mighty and Majestic – had clarified the excuse of the oppressed, where He Said:

إِلاَّ الْمُسْتَضْعَفِينَ مِنَ الرِّجَالِ وَالنِّسَاء وَالْوِلْدَانِ لاَ يَسْتَطِيعُونَ حِيلَةً وَلاَ يَهْتَدُونَ سَبِيلاً * فَأُوْلَـئِكَ عَسَى اللّهُ أَن يَعْفُوَ عَنْهُمْ وَكَانَ اللّهُ عَفُوًّا غَفُورًا

{***"Except the weak ones from the men, women, and children who cannot devise a plan, nor are they able to direct their way. For these, it might be that Allāh will Forgive them, and Allāh is Pardoning, Forgiving."***}[46]

And it is said that when the phrase "it might be" comes from Allāh, implies an obligation He has placed upon Himself. And the *Sunnah* of the Messenger of Allāh (peace be upon him)

[44] *an-Nisā'*; 98

[45] *an-Nahl*; 106

[46] *an-Nisā'*; 98

has proven that *hijrah* is obligatory for the able-bodied one who fears being put to trial because of his religion, to the land in which he will feel safe, as the Messenger of Allāh (peace be upon him) allowed some people to remain in Makkah after their entering Islām – including al-'Abbās bin 'Abd al-Muttalib, and others – if they did not fear *fitnah* for themselves. And he used to command his armies to say to those (enemies) who had accepted Islām: "If you migrate, you will have what is for the *muhājirīn*, and if you remain, then you are like the bedouins," and he would give them no choice besides these.'"" (end of Ibn Qudāmah's words)

And Ibn Taymiyyah said in *'al-Fatāwā'* (volume 18): "So, this *hijrah* was legislated when Makkah and other than it were considered to be *Dār al-Kufr* and *Dār al-Harb*, and faith was in Madīnah. So, *hijrah* from *Dār al-Kufr* to *Dār al-Islām* was obligatory for the one who was able to perform it."

As for the third situation – that he is able to openly practice his religion in *Dār al-Kufr*, and is unable to perform *hijrah* if he were to wish to do so – this does not differ from the second situation except in the aspect of openly practicing the Religion. Here, he can practice his religion, and in the previous situation, he cannot. So, if we said in the second situation that *hijrah* is not obligatory upon him, and that it is permissible for him to remain until Allāh – the Exalted – makes a way out for him, it is more incumbent that we make the same ruling for this situation. However, it is necessary in both cases that one takes whatever opportunity he can, and exerts all possible efforts in escaping and migrating from these lands.

As for the fourth situation – that he is able to openly practice his religion in *Dār al-Kufr*, and he is able to perform *hijrah* if he were to wish to do so – this is where one ties his horse, so to speak, as the scholars have differed over this. So, some of them did not see that *hijrah* had to be performed. In fact, as we will later mention, some of the Shāfi'īs even considered it forbidden if he is able to worship Allāh and call people to Islām! On the other hand, there are of the scholars those who still considered *hijrah* obligatory in this case, and saw whoever didn't perform it as a sinner.

And before delving into the evidences of the two groups and clarifying the strongest opinion, it is necessary to know that *hijrah* can take place in a number of different forms: from *Dār al-Kufr* to *Dār al-Islām*, from a land of innovation to a land of the *Sunnah*, from a land of sin to a land of righteousness, and from a land mostly ruled by Islām to a land that is completely ruled by Islām, and the ruling on *hijrah* differs in accordance with the different forms of it mentioned above. And the situation that I wish to speak about – including the differences of opinion, evidences, and strongest opinion – is not the *hijrah* that is simply encouraged (*mustahabb*), that takes place from a land of innovation to a land free of innovation, or a land of sin and disobedience to a land that is free of these things. Rather, I wish to speak about the *hijrah* from *Dār al-Kufr* to *Dār al-Islām*. Or, to be more precise, from a land whose inhabitants are mostly Muslims, and whose ruler is an apostate, and allow me to say: its inhabitants are Muslims, and most of the laws that are implemented in it are those of Islām, and the open, clear cut disbelief (*kufr bawāh*) is evident to the students of knowledge, but is unknown to the people due to the deception of the scholars and others, as well as general ignorance of the religion of Allāh.

For example, consider the situation of one of the Arab lands whose populations are all Muslim. In fact, the mosques are everywhere, they pray in congregation, and the sound of the *adhān* fills one's ears at all times of the day. Yet, the rulers rule their subjects with manmade laws that are falsely referred to as Islāmic laws - or derived from Islāmic laws, as they claim - and the court systems are also based on manmade laws, and the educational system is secularized, and the open call to hating the disbelievers and disassociating from them and their ways is a crime that the regime prevents, and *Jihād* is put off, and whoever is suspected of having ever engaged in *Jihād* is punished, and the disbelievers are allied with against the Muslims. And from what the tongue cannot describe and only makes the situation bleaker is that a small viscous group of the government scholars regurgitate night and day, saying: 'These are our legitimate rulers to whom obedience and following is mandatory, and whoever does not do so will die a death of *jāhiliyyah*!' Here, the big question comes: what is the ruling on lands that are as described above? And what is the ruling on *hijrah* from these lands if the situation is as described, and if the Muslim is unable to openly practice his religion in them?

There is no doubt that the ruling on these lands is that they are not Muslim lands. Rather, they are lands of *kufr*. They can also be considered *Dār Murakkabah* (a land whose condition is mixed), as Ibn Taymiyyah described the lands of Mārdīn. I lean towards the opinion of Ibn Taymiyyah, since the emergence of such lands occurred in his time and were considered to be new situations (*nawāzil*) for which he made *ijtihād* to bring about the categorization of such lands. In any case, the dispute is linguistic, as if we looked to the ruling of *hijrah* from such lands, the ones who classify them as *Dār Kufr* and *Dār Murakkabah* both agree that *hijrah* from such lands is obligatory for the one who cannot openly practice his religion, and nobody differed from this ruling except a small group of the Hanafīs, as will become evident now.

i) The First Opinion Regarding the Fourth Situation:

Hijrah is not obligatory in such a situation, as Allāh – the Exalted – has excused us from this, and it is merely preferred (*mustahabb*). This is the common opinion of the Hanafīs.

The first proof presented for this position:

The Hanafīs said that *hijrah* from *Dār al-Harb* is not an obligation, due to the *hadīth*: **"There is no *hijrah* after the conquering. Rather, there is *Jihād* and the intention for it."** And in another narration, it is said: **"*Hijrah* has been cut off. There is only *Jihād* and the intention for it."** As for the *hadīth*: **"…Then, invite them to migrate from their lands to the land of the *muhājirīn*…,"** they say this has been abrogated by: **"There is no *hijrah* after the conquering. Rather, there is *Jihād* and the intention for it."** So, they say that this constitutes a general abrogation of the obligation of *hijrah*, as the Prophet (peace be upon him) did not order those Arabs who had accepted Islām to migrate to him, and he did not reprimand them for remaining in their lands, and because he (peace be upon him), when he would send out an invading army, would say to its leader: **"When you meet your enemies from the polytheists, invite them to three courses of action. If they respond to any one of these, you also accept it, and withhold yourself from doing them any harm. Invite them to Islām. If they respond to you, accept it from them and desist from fighting against them. Then, invite them to migrate from their lands to the land**

of the *muhājirīn,* and inform them that if they do so, they shall have all the privileges and obligations of the *muhājirīn*. If they refuse to migrate, tell them that they will have the status of the bedouin Muslims, and will be subjected to the commands of Allāh, like the believers…" So, here, he did not obligate *hijrah* upon them.

The second proof:

Sa'īd bin Mansūr related in his *'Sunan'* – and the original story is in the two *'Sahīh'*s – that when Safwān bin Umayyah accepted Islām, it was said to him: "There is no religion for the one who does not migrate." So, he came to Madīnah, and the Prophet (peace be upon him) said: **"What has brought you here, Abā Wahb?"** He replied: "It was said to me that there is no religion for the one who does not migrate." So, the Prophet said to him: **"Return, O Abā Wahb, to the depths of Makkah, and stay where you reside, as *hijrah* has been cut off. There is only *Jihād* and the intention for it."**

The third proof:

Abū Sa'īd al-Khudrī related that a man asked the Messenger of Allāh (peace be upon him) regarding *hijrah*, to which the Prophet said: **"Woe to you! Indeed, the affair of *hijrah* is very difficult. Do you own any camels?"** The man said: "Yes." The Prophet asked: **"Do you pay the charity that is due on their behalf?"** The man replied: "Yes." The Prophet then said: **"Go on doing good deeds from across the seas, for surely, Allāh will not leave any of your deeds unrewarded."** The point here is that the Messenger (peace be upon him) permitted the abandonment of *hijrah*.

The fourth proof:

'Abdullāh bin 'Amr said: "I heard the Messenger of Allāh (peace be upon him) say: **"The Muslim is the one who protects the Muslims from his tongue and hand, and the *muhājir* is the one who abandons that which Allāh has forbidden."**" So, here, the Prophet (peace be upon him) defined *hijrah* as the abandonment of disobedience and sins.

The fifth proof:

They say that every *hadīth* besides the *hadīth* of Ibn 'Abbās (**"There is no *hijrah* after the conquering…"**), that carry the command for *hijrah*, is to be interpreted to be in regards to the one who is not secure in practicing his religion, and this is how they reconcile between the texts.

And some of the Shāfi'īs saw that for the one who can practice his religion in *Dār al-Harb*, seclude himself in a private location, and avoid the disbelievers, *hijrah* is forbidden, because the area in which he has secluded himself has now become *Dār al-Islām* due to his avoidance of the disbelievers. So, by leaving this location, he returns it to the authority of the disbelievers, and this is something that is not allowed, as every area whose inhabitants are able to avoid the disbelievers becomes *Dār al-Islām*.[47]

[47] *Shaykh* Abū Basīr at-Tartūsī said: "Such areas, just as they exist in the Arab lands, also exist in the European and Western lands, where you would find neighborhoods that are completely barren of the remembrance of

And from what might support this view is what has been reported in the *fatāwā* of Shihāb ad-Dīn ar-Ramlī ash-Shāfi'ī,[48] where he was asked about the Muslims who were living in an area of Andalusia called Arghūn under the authority of a Christian ruler who would take from their crops only what they would give him, would not oppressively take more than this, and would not transgress against their wealth or lives. Also, they had mosques to pray in, could fast in Ramadān, pay charity, free their prisoners that had fallen into the hands of the Christians, openly establish the laws of Islām as mandated, and openly apply the fundamentals of the *Sharī'ah* as necessary – and no Christian would oppose them for a single religious act of theirs. Likewise, they would supplicate in their sermons for the leaders of the Muslims without mentioning specific names, and would ask Allāh to give them victory and to destroy their disbelieving enemies.

With all of this, they were in fear that they were sinning by remaining in the lands of the disbelievers. So, they were inquiring as to whether or not *hijrah* was obligatory upon them while they were able to openly practice their religion, with the assumption that there were no guarantees that they would not eventually be forced to leave Islām, and that the laws of the land would not be forced upon them. Also, a man from the aforementioned land had traveled to fulfill the obligation of *Hajj* without the permission of his parents out of fear that they would prevent him from going, and it was asked whether or not his *Hajj* was valid in light of the fact that it was done without the permission of his parents, as well as whether or not it was permissible for him to return to his parents who were living in this land.

So, he answered: "*Hijrah* is not obligatory for these Muslims from their lands, and this is due to their ability to openly practice their religion, and because the Messenger of Allāh (peace be upon him) sent 'Uthmān to Makkah on the day of al-Hudaybiyah due to his ability to openly practice his religion in it. In fact, it is not allowed for them to migrate from this land because it is hoped that others will accept Islām because of their presence there, and because this piece of land is now considered *Dār al-Islām*. So, if they migrate from it, it will revert to being *Dār al-Harb.* And from what was mentioned in the question of openly practicing the pure *Sharī'ah* and the lack of opposition from the disbelievers to them because of this for all of these long years, it can be safely be assumed that they are secure from being forced to leave Islām or having the laws of disbelief forced upon them, and Allāh Knows the one who makes mischief from the one who makes peace. As for the man who went out for the obligation of *Hajj* without the permission of his parents, there is no problem in this, as his parents do not have the right to prevent him from the obligatory *Hajj*, just as in the case of prayer and fasting. And it is allowed for him to return to his parents in the aforementioned

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Allāh – the Exalted – or of the presence of any Muslims, let alone any mosques in which congregational prayers are made. At the same time, you would find other neighborhoods, the majority of whose inhabitants are Muslims, and you would not find a single non-Muslim there. You would find mosques, Islāmic schools, etc., to the point that you would think you were in a land of Islām, or that you were not in Europe. So, in such a case, there is no doubt that it is preferred for the Muslims residing in the West to remain in these neighborhoods that contain mostly Muslims, and which contain mosques for Friday and congregational prayers, as this is purer for them. And Allāh Knows best."

[48] He is Muhammad bin Ahmad bin Hamzah ar-Ramlī ash-Shāfi'ī. He was born in 919 A.D., and he was from the major *Fuqahā'* of the Shāfi'īs. He became the top Shāfi'ī scholar in Egypt, and from his most famous works *are 'Nihāyat al-Mukhtar ilā Sharh al-Minhāj.'*

land after completing his *Hajj* rituals, and his *Hajj* is valid, and his obligation is fulfilled." (end of ar-Ramlī's words)

And this opinion is also supported by what is stated in Ibn Qudāmah's *'al-Mughnī'*: "And the third case in which it is *mustahabb* – not obligatory – is when one is able to migrate, while he is also able to practice his religion in *Dār al-Kufr*. So, it is preferred for him to migrate in order to be able to carry out *Jihād* against them, increase the numbers of the Muslims, aid them, and rid himself of being one who increases the numbers of the disbelievers, mixes with them, and witnesses their evil. However, as was stated, it is not obligatory upon him to migrate, due to his ability to fulfill the obligatory aspects of his religion without migrating. And al-'Abbās, the uncle of the Prophet (peace be upon him) was residing in Makkah as a Muslim. And we have narrated, as is in *'al-Isābah fī Tamyīz as-Sahābah'*: "Na'īm an-Nahhām, when he desired to migrate, was approached by his tribe of Banū 'Udayy. So, they said to him: "Stay with us, and remain upon your religion. We will protect you from any who wish to hurt you." And he would live with the orphans and widows, not performing *hijrah* for some time. Afterwards, he migrated, and the Messenger of Allāh (peace be upon him) said to him: **"Your people were better to you than my people were to me. My people expelled me, and wished to kill me, while your people protected you and repelled any harm from you."** So, he said: "O Messenger of Allāh! Rather, your people expelled you to the obedience of Allāh and *Jihād* against His enemies, while my people kept me back from *hijrah* and the obedience of Allāh.""

And there is an underlying reason that supports this opinion, and it is what Ibn al-'Arabī wrote in *'Ahkām al-Qur'ān'*: "And I had said to our *shaykh*, the ascetic *Imām* Abī Bakr al-Fahrī: "Leave the land of Egypt to your land." So, he would reply: "I do not wish to enter a land that has been overwhelmed with ignorance and lack of logic." So, I would say to him: "Then, go to Makkah, and reside in the company of Allāh and His Messenger (peace be upon him), as you know that to leave these lands is obligatory, due to what they contain of innovation and sin." He replied: "And in it, many have been guided to *Tawhīd* by my hands, and I am able to turn people away from evil beliefs, and I am able to call upon Allāh – the Mighty and Majestic…""

And al-Māwrdī said: "If he is able to openly practice his religion in the lands of the disbelievers, this land has become *Dār al-Islām* for him. So, remaining in it is better than leaving it due to the hope that others will enter into Islām as a result of this."[49]

And these are the most well-known and clearest of such proofs.

ii) The Second Opinion Regarding the Fourth Situation:

Hijrah is obligatory, and the one who fails to do so is in a state of sin since Allāh did not excuse him. This is the opinion of the majority, including the Mālikīs, Shāfi'īs, and Hambalīs.

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[49] ash-Shawkānī said in *'Nayl al-Awtār'*: "And the conflict that this brings about with the *ahādīth* that forbid residence in *Dār al-Kufr* is not hidden."

And the proofs for this position are essentially all of the proofs that were mentioned for the first condition of the potential *muhājir*, and these do not need to be repeated here. Rather, we will just mention the most important points, by way of reminder.

The first proof is His Saying:

إِنَّ الَّذِينَ تَوَفَّاهُمُ الْمَلآئِكَةُ ظَالِمِي أَنْفُسِهِمْ قَالُواْ فِيمَ كُنتُمْ قَالُواْ كُنَّا مُسْتَضْعَفِينَ فِي الأَرْضِ قَالْوَاْ أَلَمْ تَكُنْ أَرْضُ اللّهِ وَاسِعَةً فَتُهَاجِرُواْ فِيهَا فَأُوْلَـئِكَ مَأْوَاهُمْ جَهَنَّمُ وَسَاءتْ مَصِيرًا

{***"Indeed, as for those whom the Angels take while they are wronging themselves, they (Angels) will say: 'In what condition were you?' They will reply: 'We were weak and oppressed on Earth.' They will say: 'Was not the Earth of Allāh spacious enough for you to emigrate therein?' Such men will find their abode in Hell - what an evil destination!"***}[50]

Also, there is the saying of the Prophet (peace be upon him): **"I am free of every Muslim who settles amongst the polytheists, and I am free of every Muslim who lives with a polytheist."** It was asked of him: "Why, O Messenger of Allāh?" He replied: **"None of them should see any light coming from the house of the other."**[51]

Also, there is the *hadīth*: **"*Hijrah* will never be cut off, so long as the enemy is fought."**[52]

And they replied to the *ahādīth* that seemingly abrogate the *hijrah*, such as: **"There is no *hijrah* after the conquering…"** and **"*Hijrah* has been cut off…"** and similar narrations that have been previously mentioned, saying that the meaning of them is that there is no migration from Makkah after it was conquered, due to its becoming *Dār al-Islām* to the Day of Judgement, and his (peace be upon him) saying to Safwān: "**Indeed, *hijrah* has been cut off…"** is in regards to the *hijrah* from Makkah, because *hijrah* is to leave the *Dār al-Kufr*. So, if such a land were to be conquered, it would no longer be considered *Dār al-Kufr*, and there would no longer be a need to migrate from it. Likewise, any land that is conquered is no longer a land from which *hijrah* is made. Rather, *hijrah* is made to it.

iii) The Strongest Opinion

Indeed, the one who reflects over the two opinions will see that the second opinion is the correct and clearest of the two, and does not require any type of explanation to support it. Due to this, I say that the strongest opinion is the second one, since the strongest proof that the opposing opinion has is the saying the Messenger (peace be upon him): **"There is no *hijrah* after the conquering,"** and that this *hadīth* abrogates the obligation of *hijrah*, as well as his saying to Safwān: "**Indeed, *hijrah* has been cut off…"**[53] And this does not mean

[50] *an-Nisā'*; 97

[51] Abū Dawūd (2645), and al-Albānī declared it *sahīh*

[52] Ahmad (1/192), and al-Haythamī said that its men are trustworthy

[53] As previously mentioned, the *hadīth* of Safwān is found in the *'Sunan'* of Sa'īd bin Mansūr.

that the ruling of *hijrah* has been abrogated, as it means, as Ibn al-'Arabī said: "It means that there is no *hijrah* from Makkah after its conquering, due to Makkah having become *Dār al-Islām* to the Day of Resurrection.[54] So, he (peace be upon him) intended that there is no *hijrah* after the conquering of a land by the Muslims.

And his (peace be upon him) saying to Safwān: "**Indeed, *hijrah* has been cut off…"** is in regards to the *hijrah* from Makkah, because *hijrah* is to leave the *Dār al-Kufr*. So, if such a land were to be conquered, it would no longer be considered *Dār al-Kufr*, and there would no longer be a need to migrate from it. Likewise, any land that is conquered is no longer a land from which *hijrah* is made. Rather, *hijrah* is made to it."

As for the saying of the Messenger (peace be upon him): **"The Muslim is the one who protects the Muslims from his tongue and hand, and the *muhājir* is the one who abandons that which Allāh has forbidden,"**[55] we say that *hijrah* is to abandon sins and disobedience, as they have said. However, this does not mean that there is no physical *hijrah*, as there is no contradiction between the two. In fact, from the results of physical *hijrah* is that one abandons sins and disobedience, and from the results of abandoning physical *hijrah* is that one remains in the lands of disbelief, staying in an environment of sin and disobedience, side-by-side with them, even if he does not perform such sins himself. So, what should be said is that there are two types of *hijrah*: spiritual *hijrah* and physical *hijrah*, with each type being a requirement. The second type encompasses the first type, and there is no doubt in this. There is a principle that says 'We act according to both indications rather than ignore one of them,' and this way, there can never be abrogation between the two except if there is a proof that would prevent us from reconciling between the two proofs, as abrogation is essentially the complete reversal of a ruling regardless of the proofs for that ruling. This is where the problem is with this reasoning in looking at the *hadīth*, as a *Shar'ī* ruling is being denied without any proof.

This opinion that I have leaned towards is the chosen opinion of all the leaders of the Salafī *Da'wah*, and the one who looks through *'ad-Durar as-Saniyyah,'* the recorded statements of the scholars of Najd, as well as the writings of *Shaykh* Muhammad bin 'Abd al-Wahhāb will know this with certainty, to the point that *Shaykh* 'Abd ar-Rahmān bin Hasan said: "Ibn Hajar mentioned that just as *hijrah* is obligatory from the lands of disbelief, it is also obligatory from the lands of Islām in which a Muslim is unable to openly fulfill an obligation." *Shaykh* 'Abd ar-Rahmān bin Hasan added: "Likewise, it is obligatory upon everyone in a land of sin in which he cannot work to change these sins to make *hijrah* to where he can comfortably worship Allāh, due to the Saying of Allāh:

فَلاَ تَقْعُدْ بَعْدَ الذِّكْرَى مَعَ الْقَوْمِ الظَّالِمِينَ

{***"So, do not remain with the wrongdoing people after the reminder…"***}[56] [57]

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[54] The question of Makkah being *Dār al-Islām* until the Day of Ressurection is addressed later in the book.

[55] al-Bukhārī (10)

[56] *al-An'ām*; 68

[57] *ad-Durar as-Saniyyah'* (8/291)

And with this, strength is given to the second opinion. All that is left is for the Muslim to know exactly what is meant by openly practicing his religion. So, I have written a concise individual chapter on this.

- 4 -

The Reality of Practicing One’s Religion

Many people believe that what is meant by openly practicing one’s religion is simply that one prays, fasts, and reads the Qur’ān in *Dār al-Kufr* and *Dār al-Harb*, with nobody opposing you or harming you. So, if you do this, you have fully and openly practiced your religion amongst them. This is a mistaken understanding and a profound miscalculation that must be cleared up, since Allāh Said:

قَدْ كَانَتْ لَكُمْ أُسْوَةٌ حَسَنَةٌ فِي إِبْرَاهِيمَ وَالَّذِينَ مَعَهُ إِذْ قَالُوا لِقَوْمِهِمْ إِنَّا بُرَاء مِنكُمْ وَمِمَّا تَعْبُدُونَ مِن دُونِ اللَّهِ كَفَرْنَا بِكُمْ وَبَدَا بَيْنَنَا وَبَيْنَكُمُ الْعَدَاوَةُ وَالْبَغْضَاء أَبَدًا حَتَّى تُؤْمِنُوا بِاللَّهِ وَحْدَهُ إِلَّا قَوْلَ إِبْرَاهِيمَ لِأَبِيهِ لَأَسْتَغْفِرَنَّ لَكَ وَمَا أَمْلِكُ لَكَ مِنَ اللَّهِ مِن شَيْءٍ رَّبَّنَا عَلَيْكَ تَوَكَّلْنَا وَإِلَيْكَ أَنَبْنَا وَإِلَيْكَ الْمَصِيرُ

{“***Indeed, there has been an excellent example for you in Ibrāhīm and those with him when they said to their people: “Indeed, we are free from you and whatever you worship besides Allāh, we have rejected you, and there has emerged between us and you hostility and hatred for ever until you believe in Allāh, Alone,” except the saying of Ibrāhīm to his father: “Indeed, I will ask for forgiveness from Allāh for you, but I have no power to do anything for you before Allāh.” “Our Lord! In You we put our trust, and to You we turn in repentance, and to You is our final return.”***”}[58]

Therefore, the open practice of one’s religion is acheived by announcing one’s disbelief in these organizations and clarifying this hostility to them, and to inform these disbelievers and apostates that we have disbelieved in them, that our enmity is for them, and that if we were to gain the upper hand, we would not leave them on the face of the Earth, as ‘Umar said when he was asked by the Messenger of Allāh (peace be upon him) : **“What do you think, O Ibn al-Khattāb (regarding the prisoners of Badr)?”** So, he replied: “I said: “By Allāh, I do not agree with Abū Bakr. Rather, I think that you should give me a relative of mine so that I may strike his neck, and give ‘Aqīl to ‘Alī so that he may strike his neck, and give Hamzah his brother so that he may strike his neck - so that Allāh would know that there is no space in any depth of our hearts for the disbelievers. Those are their nobles and leaders and commanders.”

So, the Messenger of Allāh (peace be upon him) inclined towards what Abū Bakr had said, but not towards what I had said. So, he (peace be upon him) took the ransom from them. The next day, I went to the Prophet (peace be upon him) and Abū Bakr, and found them both crying, so I said: “O Messenger of Allāh, tell me, what has made you and your companion weep? If there is a reason to weep, I will weep with you, and if there is no reason, I will pretend to weep along with you, because you are weeping.” The Prophet (peace be upon him) said: **“I am weeping because of what your companions are being put through due to their taking the ransom. I was shown the punishment to which they were subjected. It was brought as close to me as this tree.”** Then, Allāh revealed:

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[58] *al-Mumtahanah*; 4

مَا كَانَ لِنَبِيٍّ أَن يَكُونَ لَهُ أَسْرَى حَتَّى يُثْخِنَ فِي الأَرْضِ تُرِيدُونَ عَرَضَ الدُّنْيَا وَاللّهُ يُرِيدُ الآخِرَةَ وَاللّهُ عَزِيزٌ حَكِيمٌ * لَّوْلاَ كِتَابٌ مِّنَ اللّهِ سَبَقَ لَمَسَّكُمْ فِيمَا أَخَذْتُمْ عَذَابٌ عَظِيمٌ * فَكُلُواْ مِمَّا غَنِمْتُمْ حَلاَلاً طَيِّبًا وَاتَّقُواْ اللّهَ إِنَّ اللّهَ غَفُورٌ رَّحِيمٌ

{***"It is not for a Prophet that he should have prisoners of war until he had made a great slaughter in the land. You desire the good of this world, and Allāh desires the Hereafter, and Allāh is Mighty, Wise. Were it not a previous ordainment from Allāh, a severe torment would have touched you for what you took. So, eat of the permissible and good things that you have obtained as war booty, and have taqwā of Allāh. Certainly, Allāh is Forgiving, Merciful."***}[59]

So, he made the war booty permissible for them. So, when it was the day of Uhud the following year, they were punished because of the ransom that they had accepted on the day of Badr. So, seventy of them were killed, and the Companions of the Prophet (peace be upon him) fled from him, and his tooth was broken, and blood smeared his face, and Allāh revealed:

أَوَلَمَّا أَصَابَتْكُم مُّصِيبَةٌ قَدْ أَصَبْتُم مِّثْلَيْهَا قُلْتُمْ أَنَّى هَـذَا قُلْ هُوَ مِنْ عِندِ أَنْفُسِكُمْ إِنَّ اللّهَ عَلَى كُلِّ شَيْءٍ قَدِيرٌ

{***"What is the matter with you? When a single disaster smites you, although you smote with one twice as great, you say 'From where does this come to us?' Say: 'It is from yourselves,' and Allāh has Power over all things."***}[60]

…because of their taking of the ransom."[61]

And from the most beautiful explanation of the meaning mentioned before is what at-Tabarī has written in his '*Tafsīr*,' where he said: "In this verse:

قَدْ كَانَتْ لَكُمْ أُسْوَةٌ حَسَنَةٌ فِي إِبْرَاهِيمَ وَالَّذِينَ مَعَهُ إِذْ قَالُوا لِقَوْمِهِمْ إِنَّا بُرَاء مِنكُمْ وَمِمَّا تَعْبُدُونَ مِن دُونِ اللَّهِ كَفَرْنَا بِكُمْ وَبَدَا بَيْنَنَا وَبَيْنَكُمُ الْعَدَاوَةُ وَالْبَغْضَاء أَبَدًا حَتَّى تُؤْمِنُوا بِاللَّهِ وَحْدَهُ إِلَّا قَوْلَ إِبْرَاهِيمَ لِأَبِيهِ لَأَسْتَغْفِرَنَّ لَكَ وَمَا أَمْلِكُ لَكَ مِنَ اللَّهِ مِن شَيْءٍ رَّبَّنَا عَلَيْكَ تَوَكَّلْنَا وَإِلَيْكَ أَنَبْنَا وَإِلَيْكَ الْمَصِيرُ

{"***Indeed, there has been an excellent example for you in Ibrāhīm and those with him when they said to their people: "Indeed, we are free from you and whatever you worship besides Allāh, we have rejected you, and there has emerged between us and you hostility and hatred for ever, until you believe in Allāh, Alone," except the saying***

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[59] *al-Anfāl*; 67-69

[60] *Āl 'Imrān*; 165

[61] Muslim (1763) and Abū Dāwūd (2690)

of Ibrāhīm to his father: "Indeed, I will ask for forgiveness from Allāh for you, but I have no power to do anything for you before Allāh." "Our Lord! In You we put our trust, and to You we turn in repentance, and to You is our final return.""}[62]

…the Exalted says to the believers in Him from the Companions of the Messenger of Allāh (peace be upon him) that there was for you – O believers – a great example, a great model, in Ibrāhīm the *Khalīl* (intimate friend) of the Most Merciful, for you to follow and imitate, as well as those who are with him from the Prophets of Allāh. Ibn Zayd said regarding the saying of Allāh – Mighty and Majestic – {"***Indeed, there has been an excellent example for you in Ibrāhīm and those with him...***"} that those who were with him are the Prophets, and His saying {***"…when they said to their people: "Indeed, we are free from you and whatever you worship besides Allāh..."***} is regarding when they said to their people who had disbelieved in Allāh, and worshipped the *tāghūt*: 'O people! We are free from you and from those whom you worship besides Allāh of deities and gods!' And regarding His saying {***"…we have rejected you, and there has emerged between us and you, hostility and hatred for ever, until you believe in Allāh Alone…"***}, He Says, informing of the saying of His Prophets to their disbelieving peoples that 'We have disbelieved in you, and we reject what you are upon of disbelief in Allāh and we have rejected your worship and what you worship besides Allāh, and there has emerged between us and you enmity and hatred forever because of your disbelief in Allāh and your worship of others besides Him, and there will be no peace or kindness between us until you believe in Allāh Alone, and until you accept Allāh, alone, and single Him out for worship.' And His saying: {***"…except the saying of Ibrāhīm to his father: "Indeed, I will ask for forgiveness for you, but I have no power to do anything for you before Allāh…"***} means that there was a great example for you in Ibrāhīm and those who are with him in these affairs that We have mentioned – of displaying to the disbelievers their hostility towards them, and forsaking any alliance with them – *except* in the case of the saying of Ibrāhīm to his father that "I will seek forgiveness for you," for there is no example for you in this.

And Ibn Kathīr (may Allāh have Mercy upon him) said: "Allāh Says to His believing slaves - whom He has ordered to be harsh against the disbelievers and to have enmity towards them, and to avoid them, and to disassociate themselves from them – that there was a great example for you in Ibrāhīm and those with him – his followers who believed with him – when they said to their people: {***"…We are free from you…"***} i.e. we have disassociated ourselves from you and what you worship besides Allāh; {***"…and we have disbelieved in you…"***} i.e. in your religion and your ways; {***"…and there has emerged between us and you enmity and hatred forever…"***} i.e. enmity and hatred has been legislated from now between us, and as long as you remain upon your disbelief, then we will disassociate ourselves from you and hate you until you believe in Allāh, alone – single Him out to worship Him without any partners, and to abandon what you worship along with Him of idols and gods."

And in *'ad-Durar as-Saniyyah,'* the two sons of *Shaykh* Muhammad bin 'Abd al-Wahhāb said: "…and openly practicing one's religion is to declare them (the disbelievers) to be disbelievers, and to point out the faults of their religion, and to criticize them, and to disassociate from them, and to protect oneself from becoming close to them and leaning

[62] *al-Mumtahanah*; 4

towards them, and to avoid them. Simply performing the prayers is not considered practicing of one's religion, and the saying of one that 'We avoid them when we are in prayer, and we do not eat their slaughtered meats' is good, but, it is not enough on its own to fulfill the open practice of the religion. Rather, what has been mentioned above is a must."

And *Shaykh* Hamad bin 'Atīq (may Allāh have Mercy on him) said: "And what is intended by open practice of one's religion is the clear demonstration of continuous hostility and hatred towards the one who does not single out his Lord for worship. So, whoever fulfills this with knowledge and action, and clearly demonstrates this until the people of his land are aware of this from him, then *hijrah* is not an obligation upon him from whatever land he is in. As for the one who is not like this - rather, he assumes that if he is left to pray and fast and perform pilgrimage, he is no longer obligated to migrate – this is ignorance of the religion and heedlessness of the essence of the message of the Messengers. For lands, if the rule in them is for the people of falsehood, the worshippers of graves, the consumers of alcohol, and the gamblers, such populations are not satisfied except with the rituals of *shirk* and the judgment of the *tawāghīt*, and for every place where this is the case, there is no doubt for the one who has the slightest familiarity with the Book and *Sunnah* that its people are upon other than what the Messenger of Allāh (peace be upon him) was upon."[63]

And there remains an issue that has not been clarified to me up until now, and it is: is it enough in the issue of displaying enmity for the disbeliever for him to simply know this from you, because of the saying of Allāh – the Exalted:

قَالُوا سَمِعْنَا فَتًى يَذْكُرُهُمْ يُقَالُ لَهُ إِبْرَاهِيمُ

{***"They said: "We heard a young man talking against them who is called Ibrāhīm."***}[64]

Is this so even if you do not speak in their presence or the presence of those who will relay the message to them? Or, is it a must to announce this in a loud voice that is heard everywhere, since the one who reflects upon the texts of the *Sunnah* will find both? But, there is agreement that for the one whose disassociation from the disbelievers or apostates and their religion is not known by his enemies or by the believers that it becomes absolutely obligatory upon him to openly display this in any way that would get the message across, in the clearest and most well understood manner. Otherwise, *hijrah* becomes obligatory upon him in accordance with his capability, and he sins by not doing so.

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[63] *'ad-Durar as-Saniyyah'* (5/413-418)

[64] *al-Ambiyā'*; 60

- 5 -

Principles upon the Path of *Hijrah*

First, it is upon the *muhājir* to await his reward from Allāh, and to make his intention purely to seek Allāh's Pleasure, and that he migrates to give victory to his religion, as well as to escape from *fitnah*. He must not migrate because he expects to find provision and comfort in a given land, as the purpose of *hijrah* is not seeking provision. Ibn Kathīr mentioned in his explanation of the Saying of Allāh:

وَمَن يُهَاجِرْ فِي سَبِيلِ اللّهِ يَجِدْ فِي الأَرْضِ مُرَاغَمًا كَثِيراً وَسَعَةً

{***"He who migrates in the Path of Allāh will find on Earth many dwelling places and plenty to live by."***}[65]

…that Qatādah said: "Meaning, he goes from misguidance to guidance, and from poverty to wealth." Therefore, the verse serves to alleviate the various expected fears of the one migrating while it turns towards the potential dangers of *hijrah*, so that he would not be fooled into thinking that he will fulfill his sweet hopes without first experiencing some hardships in the path of the *Da'wah*. Due to this, the verse was capped with:

وَمَن يَخْرُجْ مِن بَيْتِهِ مُهَاجِرًا إِلَى اللّهِ وَرَسُولِهِ ثُمَّ يُدْرِكْهُ الْمَوْتُ فَقَدْ وَقَعَ أَجْرُهُ عَلى اللّهِ وَكَانَ اللّهُ غَفُورًا رَّحِيمًا

{*"…and whosoever leaves his home as a migrant to Allāh and His Messenger and death overtakes him, his reward is then surely incumbent upon Allāh, and Allāh is Forgiving, Merciful."*}[66]

Therefore, death is also expected.

Shaykh 'Abd ar-Rahmān bin Hasan said in *'ad-Durar as-Saniyyah'*: "…even though it is the case that most of those who embark on *hijrah* end up in a position of safety, honor, establishment, and victory, just as happened with the Messenger of Allāh (peace be upon him) and his followers, past and present. And with it, *Jihād* is no doubt established, the Word of Allāh is raised uppermost, and obedience to Allāh is facilitated upon the Earth.

And the benefits of *hijrah* in this world are more than can be counted, as Allāh – the Exalted – Said:

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[65] *an-Nisā'*; 100

[66] *an-Nisā'*; 100

وَالَّذِينَ هَاجَرُواْ فِي اللّهِ مِن بَعْدِ مَا ظُلِمُواْ لَنُبَوِّئَنَّهُمْ فِي الدُّنْيَا حَسَنَةً وَلَأَجْرُ الآخِرَةِ أَكْبَرُ لَوْ كَانُواْ يَعْلَمُونَ

{***"And for those who migrated for the sake of Allāh after suffering oppression, We will certainly give them good residence in this world. But, indeed the reward of the Hereafter will be greater, if they only knew!"***}[67]

Therefore, it is a must to point this out so that there is not a repeat of what happened with many of the Muslims in Algeria and Morocco, when they were called to make *hijrah* by their brothers making *Jihād*, and they were promised provision and comfortable living. When they did not find any of what they were promised – rather, they found themselves in worse conditions that those they had migrated from – their tongues spoke words that one fears for them over; words that gave you a feeling of their bad assumptions about Allāh – Exalted is Allāh, high above deficiencies and bad assumptions. Second: one must be absolutely sure about the condition of a land being *Dār al-Kufr* or *Dār al-Harb*. Here, we cannot obligate *hijrah* upon the Muslims from a land which is considered to be *Dār Murakkabah*[68] except if he is unable to openly practice his religion in it, as Ibn Taymiyyah was asked the following questions about the land of Mārdīn[69]:

a) Is it *Dār al-Harb,* or a land of peace?
b) Is it obligatory upon the Muslim who lives in it to migrate to the lands of Islām, or not?
c) If it is obligatory upon him to migrate, and he does not do so, and additionally aids the enemies of the Muslims with his self and wealth – is he a sinner in this?
d) Are those who accuse him of *nifāq* and insult him sinners, or not?

Ibn Taymiyyah answered:

"Praise be to Allāh, the blood and wealth of the Muslims is sacred wherever they are, whether that is in Mārdīn or otherwise. Assisting those who have rebelled against the *Sharī'ah* of Islām is forbidden, whether that is in Mārdīn or otherwise. The one who lives there, if he is unable to openly practice his religion, must make *hijrah*. Otherwise (if he is able to openly practice his religion), it is simply *mustahabb*, and it is not obligatory upon him. Assisting the enemies of the Muslims with one's wealth or self is forbidden for them, and it is obligatory upon them to refrain from doing so, by any means necessary. If they are unable to do this except by way of *hijrah*, it becomes obligatory upon each of them. It is not allowed to insult them as a group and accuse them of *nifāq*, as insulting and accusing of *nifāq* is reserved for the specific people described in the Qur'ān and *Sunnah*, and this can include some of the people of Mārdīn, as well as other than the people of Mārdīn.

As for its status as either *Dār al-Harb* or a land of peace: it is a *Dār Murakkabah*, as it contains elements of both. It is not a land that has submitted, such that the laws of Islām are

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[67] *an-Nahl*; 41

[68] *Dār Murakkabah*: a land whose condition is mixed. Refer to the earlier chapter on the various types of *diyār*.

[69] A city located in the Southeast Anatolian region of modern day Turkey

implemented upon it. Likewise, it is not *Dār al-Harb*, whose inhabitants are disbelievers. Rather, it is a third category, in which the Muslim is treated as he deserves to be treated, and the one who rebels against the *Sharī'ah* of Islām is fought and treated as he deserves to be treated."

In light of this aforementioned situation, one can conclude that it is *mustahabb* – not obligatory – to make *hijrah* from a given place if one can openly practice his religion in that place, so that we do not go and accuse others of sin without clear, authentic proof. If he is unable to practice his religion, *hijrah* is an obligation upon him, without a doubt.

Thirdly, what is obligatory for the scholar might not be obligatory for the layman, and what is obligatory for the one upon whose shoulders the interests of the *Da'wah* rest might not be obligatory for other than him, and what is necessary for an obligation to be fulfilled is itself an obligation. Therefore, the obligation of *hijrah* upon groups (*jamā'āt*) is not like its obligation upon individuals, and its obligation upon those individuals whose *hijrah* will lead to a benefit for Islām is not like its obligation upon those individuals whose *Hijrah* will simply lead to tiredness and exhaustion, as well as the burdening of others with them. One should refer to the *Shar'ī* proofs, not faith-inspired emotions, as the issue is one of *Dīn* and *Shar'*.

Fourth, one should not ignore the categorization that was mentioned by Ibn Qudāmah in *'al-Mughnī,'* where he said: "The one for whom *hijrah* is *mustahabb* – not obligatory – is one who is able to make *hijrah*, yet, he is able to openly practice his religion in *Dār al-Kufr*. So, it is preferred for him to make *hijrah*, due to what that would entail of his being able to wage *Jihād* against them, swell and assist the Muslim populations, and reduce the populations of the disbelievers, refrain from mixing with them, and observing their evil while being amongst them. However, it would still not be obligatory for him, and this is due to his ability to fulfill the obligations of his religion without needing to make *hijrah*, as al-'Abbās – the uncle of the Prophet (peace be upon him) – was living in Makkah, even though he was a Muslim!" (end of Ibn Qudāmah's words)

So, one should keep this in mind in order to not be harsh against those who do not see *hijrah* as being obligatory in such a case, and see it as being simply *mustahabb*.

Fifthly, the believing *muhājir* should move from where he is to that which is better than where he is. He should go to a place that is free from the sins that plagued the area that he is migrating from. Otherwise, if he cannot find such a place, he is not obliged to make *hijrah*. So, he should migrate from *Dār al-Kufr* to *Dār al- Islām*, or from a land of oppression and sin to a land of justice and goodness. As for the migration from one evil to another, or from a land of sin to a land of equal sin, this is nothing but exhaustion for the self, lack of benefit, and a waste of money. If he is unable to find a land that is pure, and finds that sin is widespread in all lands,[70] he must migrate from the place in which sins are practiced openly to a land that is lighter in sin than his own, or from a land in which there is evil to a land in

[70] This is the case today, and brings us to an important point: the lack of a viable *Dār al-Islām* today does not mean that the obligation of *hijrah* is put off. Rather, as the *Shaykh* explained, one is obliged to migrate up the ladder, so to speak. That is, one should always look to live in a place in which his practice of Islām will be better than it is in his current location, even if his final destination is not ideal (i.e. *Dār al-Islām*).

which the obligatory acts are abandoned. For example, if he is in a land in which fornication and adultery are widespread, in addition to there being injustice and oppression, and another land contains the oppression without the fornication, he must move to this land, as it contains only one of the two evils, as opposed to both of them.

And I ask: is it correct for us to now obligate *hijrah* upon the believer from a land which - although its condition is unclear – the *shirk* in it is more hidden than it is in the land to which he desires to migrate? And the condition of this land to which he desires to migrate is not as clear as it should be, except that you might see and hear the sincerity of its leaders in implementing Islām, with the true vision of Islām not having yet become evident, especially in regards to the issue of the *shirk* of graves, which we are constantly in a state of anxiety over. And my reference to the *shirk* of graves is not to be taken as disregard for the *shirk* of legislation with Allāh – the Exalted – or the *shirk* of the exaltation and worship of the disbelieving nations, or the *shirk* of putting off *Jihād* in response to the desires of the mighty disbelieving nations – all of which are manifest in many of the nations that claim Islām. And I hope that this reference to the *shirk* of graves is not taken as a jab at those who are truthful in implementing and acting by the *Sharī'ah* of Allāh. Rather, this was merely to point out the picture that must be clear in the mind of the *muhājir* before his *hijrah*, so that he would not end up being hindered and turned back by any potential confusion.

Sixth, it is not permissible for the one who has migrated to turn back from his *hijrah* without a legitimate *Shar'ī* excuse. Otherwise, he has committed one of the major sins. And *Shaykh* 'Abdillāh bin 'Abd al-Latīf said in his advice to the people of al-Artāwiyyah: "And the Messenger (peace be upon him) was informed of a man who had migrated then returned from his *hijrah* to live with the bedouins. So, he said to him: **"This is minor apostasy. Whoever does this is cursed, and the one who stays with the bedouins and perfects his Islām is better than the one who migrated then turned back from his *hijrah*."**[71] And it has reached me that from the people of al-Artāwiyyah are those who migrated and established themselves, and now desire to turn back from their *hijrah*, moving with the bedouins. And this is a great disaster, and the one who does so is not safe from falling into apostasy[72] and from being of those who turned back on their heels after the guidance was made clear to them. So, be warned of this, and be patient. Endure, be watchful, and remain firm upon the Command of your Lord, and do not be of those who have exchanged the blessing of Allāh for disbelief. And I ask Allāh to guide me and you…"[73]

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[71] I was unable to come across the *hadīth* with this wording. It might be that the *Shaykh* was narrating the general meaning of the *hadīth* that was reported by at-Tabarānī by way of Jābir bin Samurah: **"Allāh has cursed the one who lives with the bedouins after his *hijrah*. Allāh has cursed the one who lives with the bedouins after his *hijrah* except in times of *fitnah*, as living with the bedouins is better than remaining amongst *fitnah*."** al-Haythamī said in *'Majma' az-Zawā'id'*: "It was reported by at-Tabarānī, and its chain contains a narrator that I do not know anything of." However, the meaning is supported by the *hadīth* reported by an- Nasā'ī, which will be provided shortly with the words of Ibn Hajar.

[72] What is meant here is not that going back on one's *hijrah* constitutes *riddah*, in and of itself. Rather, he is saying that by moving back with the bedouins, who were described by Allāh as being the most extreme in *kufr* and *nifāq*, one is exposed to the possibility of following their ways.

[73] *'ad-Durar as-Saniyyah'* (1/81)

And due to this, Ibn Hajar al-'Asqalānī said: "His (al-Bukhārī's) titling of the chapter: *'Moving With the Bedouins in Times of Fitnah'* is in regards to the *muhājir* who has moved from the land that he has migrated from to live with the bedouins, thereby returning to becoming a bedouin after his *hijrah*, and this was forbidden except with an excuse from the Legislator. And he (al-Bukhārī) specified the time of *fitnah*, indicating that this is one of the situations that constitute an excuse in doing so. It has also been said that *'…in Times of Fitnah'* is in reference to the fact that this (moving in with the bedouins) constitutes a betrayal of the people of truth. However, the *Salaf* differed in their understanding of this concept, as some of them protected and secluded themselves from any *fitnah* – such as Sa'd, Muhammad bin Maslamah, and Ibn 'Umar – and some of them engaged in fighting, and they were the majority…and an-Nasā'ī reported that Ibn Mas'ūd said: "The one who consumes *ribā*, the one who pays *ribā*, the one who knowingly writes down the transaction…and the one who turns back as a bedouin after his *hijrah* – all are cursed from the tongue of Muhammad (peace be upon him), until the Day of Resurrection."[74]"[75] (end of Ibn Hajar's words)

In *'as-Sunan al-Kubrā,'* al-Bayhaqī reported the same narration of Ibn Mas'ūd. However, he then titled a chapter: *'What Has Been Narrated Regarding the Allowance of Doing So (Living With Bedouins After Hijrah) During Times of Fitnah,'* and brought the following narration under it: Yazīd bin Abī 'Ubayd reported that Salamah bin al-Akwa' entered upon al-Hajjāj bin Yūsuf. So, al-Hajjāj said to him: "O Ibn al-Akwa'! Have you returned to being a bedouin?" Salamah replied: "No. Rather, the Messenger of Allāh (peace be upon him) allowed me to remain with the bedouins (in times of *fitnah*)."[76]

So, the difference of opinion left to address is in regards to the permissibility of the *muhājirīn* remaining for more than three days in Makkah after completing their *Hajj* rituals. This is in regards to the *muhājir* who left for Madīnah and migrated to it in order to give victory to the religion of Allāh, as was reported that al-'Alā' bin al-Hadramī heard the Messenger of Allāh (peace be upon him) say: **"The *muhājir* has three days to remain after finishing in Makkah,"**[77] and it's as if he was instructing to not stay beyond this. So, it was not permissible for one to return to his homeland (Makkah), and this was in regards to the time before his land was conquered. However, after Makkah was conquered and became *Dār al-Islām*, some of the scholars saw that this ruling had changed, and whoever wishes to read into this issue, let him review it in the book of *'The Virtues of the Ansār'* in the chapter *'The Muhājir's Remaining in Makkah After Completing His Rituals'* in Ibn Hajar's explanation of *'Sahīh al-Bukhārī.'*[78]

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[74] an-Nasā'ī (5102), and al-Albānī declared it *sahīh* in *'at-Ta'līq ar-Raghīb'* (3/49)

[75] *'Fath al-Bārī'* (13/44-45)

[76] al-Bukhārī (7087)

[77] al-Bukhārī (3933) and Muslim (1352)

[78] In *'Fath al-Bārī'* (7/267), Ibn Hajar said: "What this *hadīth* refers to is that staying in Makkah was forbidden to one who had migrated from it before its conquest. But, it was permitted to those who went there for *Hajj* or *'Umrah* to stay after completing the rituals for three days, and no more."

Regarding this, Ibn Hazm also said: "Mālik, ash-Shāfi'ī, and their followers all use as proof the authentic narration from the Messenger of Allāh (peace be upon him) by way of al-'Alā' bin al-Hadramī: **"The *muhājir* can remain for three days after completing his rituals."** They said that the Messenger of Allāh (peace be upon him) hated for the *muhājirīn* to remain in Makkah - which was their homeland that they were expelled from for the sake of Allāh – until they meet their Lord while they are strangers from their own homelands, all for the Face of Allāh – the Mighty and Majestic. After this, he allowed them to remain in it for three days after completing their rituals."

After this, it becomes clear to us the danger of the desire that can afflict the one who makes *hijrah* from *Dār al-Kufr* or *Dār al-Harb*, and follows that by returning there without any *Shar'ī* excuse, while it is upon what it is upon of *kufr*.

Seventh is that from the general outcomes of not making *hijrah* is that one is forced to witness various evils, as well as compromise with those who facilitate the practice of these sins and evils, gaining nearness to them, and opening one's heart to them. This is because evil calls out to others, and various evils drag themselves to collect and be close to each other. So, for the one who is living in their midst, they are not pleased except with such a person indulging in such affairs. And it is inevitable that one will try to please them, compromise with their desires, etc. as mentioned by the *'Allāmah* 'Abd ar-Rahmān bin Hasan.[79]

Eighth: just because a land is one of *kufr*, *Īmān*, or sin, this doesn't mean that this is the permanent status of such a land. Rather, it is a description that is given to it based on the state of its inhabitants, as well as the laws that govern it. So, every land that is inhabited by the pious believers and is ruled by the *Sharī'ah* of Allāh is a land of the *awliyā'* of Allāh at that given point in time. Likewise, every land that is inhabited by the disbelievers or is ruled by other than Islām is *Dār al-Kufr* at that given point in time. Likewise, every land that is inhabited by an overwhelming majority of *fāsiqīn*, it is a land of sin at that given point in time. However, if it becomes inhabited by those different than what has been mentioned, it becomes a land characterized by whoever has replaced them. This is just like in the case of a

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[79] *Shaykh* 'Abdullāh 'Azzām said: "Because of this, the Western life, living between the disbelievers, is a very, very, very difficult life. One of the youth - of course, the stories are many, and I am unable to tell them all here - came to me at a conference - and he was one of my students in Jordan - and said to me: "That;s it. If I do not get married, I will commit fornication. I am unable to survive," and he repeated it again: "I am unable to survive. I am being serious with you, and whoever says other than this, then he is a liar." Tell me - by Allah – an unmarried youth in the extreme heat, and at the college, a girl is sitting right next to him, with her skirt ten centimeters above her knees! And our Lord Said about Prophet Yūsuf: {***"And indeed, she did desire him, and he would have inclined to her desire had he not seen the evidence of his Lord."***} [*Yūsuf*, 24] Were it not for him seeing a sign from his Lord, he would have inclined to her - Yūsuf, the pure, purifying, noble son of the noble son of the noble son of the noble. So, how can this be? I declare it forbidden for the youth to study in the West, except if they are married. Hear it from me: it is forbidden for a youth to study in the West, unless he is married. Relay on my behalf, even if it is one *fatwā*: it is not allowed, not allowed, not allowed. How can one protect himself? It is impossible to protect oneself, except through marriage. It is impossible, impossible, impossible for the unmarried person to live there unless he is abnormal. If he is abnormal, he might be able to live there. As for the normal human being, then how, my brother? Sex is available like water, and it is allowed, according to the law, in the street, everywhere! The stories are many, and those who came to us from Italy and Sweden know very well the disasters lurking in the Western societies." See *'Fī Dhilāl Sūrat at-Tawbah'* (p. 12).

mosque: if it becomes a bar, a gathering place of sin, a church in which other than Allāh is worshipped, etc., it is characterized by what those who are in it are doing. Likewise, a bar, gathering place of sin, etc. – if it is made into a mosque in which only Allāh is worshipped, it is characterized according to what it has become. The same is in the case of a righteous man who becomes a sinner, a disbeliever who becomes a believer, or a believer who becomes a disbeliever, etc. – every one is characterized according to the change that he has made, as Allāh Said:

وَضَرَبَ اللّهُ مَثَلاً قَرْيَةً كَانَتْ آمِنَةً مُّطْمَئِنَّةً

{***"Allāh has put forth a parable: a township that was safe and secure…"***}[80]

This verse was revealed in Makkah when it was considered *Dār al-Kufr*, all the while being the best of the lands of Allāh and the most beloved of lands to Allāh. However, He was referring to its inhabitants as well as the laws that were governing it, as it was narrated that the Messenger of Allāh said as he was standing and looking at it: **"By Allāh, you are the best of Allāh's lands and the most beloved of Allāh's lands to Allāh, and were it not for the fact that my people had expelled me from you, I would not have left."**[81]

Therefore, the Muslim *muhājir* should not ask how it is that he is to make *hijrah* from a land of virtue to a land that is less in virtue. The deciding factor is not the inherent virtue of a land, as the Messenger of Allāh (peace be upon him) commanded the people to migrate from the best land of Allāh and the most beloved land to Him to one which was less so. Therefore, one should look to and judge based on the transient description of that land, regardless of its virtue, status, or location.[82] This transient description will eventually change by the command of Allāh in order that the land return to its appropriate categorization and description. And one should not pay any mind to the saying of Ibn al-'Arabī in *'Ahkām al-Qur'ān'* that Makkah is *Dār al-Islām* till the Day of Resurrection, as there is absolutely no proof for this from the narrations of the Companions, nor was it known from them, the righteous *Salaf*, or those who came after them (may Allāh be Pleased with them all). So, Makkah – may Allāh keep it noble – is like any other land when it comes to being described as *Dār al-Kufr* or *Dār al-Islām*, and this has been its condition throughout its long history (may Allāh keep it noble). Otherwise, what reason did the armies of Islām have to prepare themselves to conquer it throughout time?

[80] *an-Nahl*; 112

[81] at-Tirmidhi (3925) and Ibn Mājah (3108), and al-Albānī declared it *sahīh* in his checking of *'Mishkāt al-Masābīh'* (2725)

[82] *Shaykh* Abū Basīr said: "Know that a land, no matter how blessed it is, is not given status or holiness by its inhabitants. Rather, what is blessed is the person, and the person is what makes a land great with his actions and *Jihād* in the Path of Allāh. This is why when Abū ad-Dardā' called Salmān al-Fārisī to migrate to the Holy Land (Shām), Salmān replied to him, saying: "Indeed, the Holy Land does not make anyone holy. Rather, a person is made blessed with his actions.""

Conclusion

There is no doubt that *Dār al-Islām* is that in which the laws of Islām are implemented without any impediment or distortion, and *Dār al-Kufr* is that in which the laws of *kufr* are uppermost over the laws of Islām, and *Dār al-Harb* is any land in which there is a war between the believers and the disbelievers, and a *Dār Murakkabah* is that whose population is Muslim, while its rulers only implement those aspects of Islām that do not run contrary to their politics, or their interests in remaining upon their thrones – the thrones of oppression, force, and tyranny.

Likewise, there is no doubt that the original ruling of *hijrah* remains as long as the conditions that call for it arise, and the claim that it has been abrogated is false and incorrect, since it was possible to reconcile between the proofs. In fact, there is no contradiction between the proofs, and the one who claims otherwise has tasked himself with that which he has no right to task himself with.

And there is no doubt in the obligation of *hijrah* - based upon what has been mentioned – for the one who has the ability to do so, is unable to openly practice his religion, and lives *Dār al-Kufr/Harb*. As for the case of one who lives in a land whose condition is mixed (*Dār Murakkabah*), and there is an obligation that must be fulfilled in the land that he is migrating to that cannot be fulfilled except by making *hijrah*, and his *hijrah* will lead to an increase in the numbers and power of the Muslims, and he cannot openly practice his religion in the land within which he currently lives, and he is confident that the *Shar'* of Allāh is being implemented in the land that he wishes to migrate to, and that the laws of Islām are uppermost in this land – in this case, *hijrah* becomes an individual obligation upon him, due to the proofs that have been mentioned, and because what is necessary to fulfill an obligation is itself an obligation. However, if the situation is not as described above, the ruling of *hijrah* remains one of preference, not obligation.

And what is meant by openly practicing one's religion is simply one thing, and that is: disassociation from the disbelievers, pointing out their disbelief, manifesting enmity towards them, belittling them and their way of life, and to disassociate from those who stand by them and ally with them – all in an open, clear manner. Anything other than his is not considered open practice of religion. Rather, such would be considered a distortion of the Religion and its hallmarks.

And what needs to be further known and researched is the issue of the land whose condition is mixed (*Dār Murakkabah*); specifically in regards to whether or not *hijrah* from such a land will lead to negative results, such that there will be a reduction in the good people there, or that the place will be left free for the *tawāghīt* to spread mischief in. This is especially important since some of the Shāfi'īs forbade migration from a land in which the Muslim is safe, can openly practice his religion in *Dār al-Harb*, can seclude himself in a private area, and stay safe from the disbelievers. Such a person is forbidden from leaving this land, as the area in which he is secluding himself has become *Dār al-Islām*, and his migration from it would return it to being in the grasp of the disbelievers. And this is something that is not permissible, as every area whose inhabitants can separate themselves from the disbelievers is

considered *Dār al-Islām*, regarding which we provided the *fatwā* of Shihāb ad-Dīn ar-Ramlī to the people of Arghūn.

So, it is upon the Muslim to be as wary of these matters as possible, to seek out the correct course, and to base his actions upon this.

And our final call is that all praise is for Allāh, the Lord of the Worlds, and may peace and prayers be upon our Prophet, Muhammad, as well as his Household and Companions.

Written by: 'Abd al-'Azīz bin Sālih al-Jarbū'

Appendix I:

The Case of the Muslims Born in the Lands of the Disbelievers

Shaykh Abū Basīr at-Tartūsī:

"The Muslims who were born in the lands of the disbelievers exceed hundreds of millions in number. Therefore, it is not possible to make a call or issue a single *fatwā* obligating all of them to make *hijrah*, leaving their lands to places unknown to them!

What can be given as an answer to this issue is that the Muslim who is born in the disbelieving nations is given the *Shar'ī* choice between three things, and he should look to that which is better for himself and his religion:

1) That he remain under their authority, security, and covenant, and enjoys the rights they offer him, except that he is not to betray his pact with them and transgress against them in any way, especially if he is able to openly practice his religion, fulfill his religious obligations, and engage in the important task of calling to Allāh, the Exalted. If it is said that this pact is between a Muslim and a disbelieving nation and it entails rights and obligations, and that these obligations include things that contradict the *Shar'*, I say that there is nothing in the *Sharī'ah* to prevent complying with all of the rights and obligations that do not contradict the pure *Sharī'ah*. And it is obligatory to excuse oneself from any action that contradicts the Islāmic *Sharī'ah* and belief and to work to prevent oneself from falling under anything that would lead to contradicting the *Sharī'ah* as much as one is able, as there is no obedience to the creation – no matter who that person is – in disobedience to the Creator!

   It should also be pointed out – as we mentioned before – that the Muslims in many of these lands, especially in Europe, are able to openly manifest their religion and belief, verbally command the good and forbid the evil, and to fulfill their religions obligations with the utmost freedom – more so than the Muslims in the Arab lands, or other lands that falsely refer to themselves as being Islāmic!

2) He can call off his pacts and covenants of security with them, and announce the commencement of *Jihād* and fighting if he is able to do that, and the *Shar'ī* interests entail that he begin with them like this. In such a case, he is free of them and any covenants he has with them, and they are likewise free of him and any covenants they have with him, and they are each fair game for the other.

3) He can migrate if he can find a way to make *hijrah* to a better alternative to where he is currently living, all the while keeping in mind the necessity of weighing the benefits and harms, motivations and goals, etc. If it is asked: what if he cannot find a better alternative? I say that in such a case, he is not obliged to migrate, and his case is like the one who is unable to perform *hijrah*, and the obligation is lifted from him. Moving from an evil to an equal evil is nothing but a waste of energy, potential, and

time, all without any achievement or benefit, and this is from the idleness that the *Sharī'ah* has forbidden.

So, these are the three choices that Islām has put in his hands, and he can choose any of the three that he is able to fulfill and is best for his religion, self, family, and *ummah*.

And Allāh Knows best."[83]

Shaykh Muhammad Nāsir ad-Dīn al-Albānī:

Commenting on the *hadīth* of the Messenger of Allāh (peace be upon him): **"Indeed, all of you, if you bear witness that none has the right to be worshipped but Allāh, perform the prayer, pay the *Zakāh*, separate yourselves from the polytheists, give the fifth of the war booty and the share for the Prophet and what he selects from the war booty before it is distributed, you are safe with the protection of Allāh and the protection of His Messenger."**

Shaykh al-Albānī commented, saying:

"And indeed, from that which is to be extremely saddened about is that those who embrace Islām in this present time period - despite their large number, and all praise is due to Allāh - they don't conform with this ruling of separating themselves and migrating to the lands of Islām except for a small portion of them, and I trace the reason for that back to two matters:

The first is their greed for the *dunyā* and the easy means of living and luxury in their lands resulting from their living a materialistic life of joy that has no spirituality in it, as is well known. So, it is usually difficult for them to move to an Islāmic land in which the means of a decent life may not be sufficient for them, in their viewpoint.

The second - and it is more significant - is their ignorance of this ruling, and they are excused in that, because they do not hear anything regarding it from any of the callers whose words are publicized and translated into some of the foreign languages, nor do they hear it from those who go to them in the name of *Da'wah*, because most of them are not knowledgeable in the rulings of Islām...Rather, they cling more to their lands when they see many of the Muslims reversing the ruling by leaving their lands and going to the lands of disbelief. So, from where are those people whom Allāh guided to Islām going to know the likes of this ruling while the Muslims themselves are acting contrary to it? Indeed, let these people and those people know that *hijrah* continues to exist just like *Jihād*, for he has said: **"*Hijrah* does not cease as long as the enemy is fought."** And in another *hadīth*: **"*Hijrah* will not cease until repentance ceases, and repentance will not cease until the Sun rises from the West."**

...What should also be known is that *hijrah* is of different types and is for numerous reasons, and for its explanation there is a more appropriate place. What is important here to know is that migration from the lands of disbelief to the lands of Islām is obligatory no matter how much the rulers in these lands have deviated from Islām or have been negligent in

[83] Taken from the book *'al-Hijrah: Masā'il wa Ahkām'*

implementing its rulings, as these lands are much better than the lands of disbelief in terms of character, religious practice, and cultural behavior no matter how you look at it, even with what the Muslim lands are described with..."[84]

[84] Taken from *'Silsilat al-Ahādīth as-Sahīhah'* (commentary to *hadīth* # 2857)

Appendix II:

Hijrah to the Lands of *Kufr*

Shaykh Abū Muhammad al-Maqdisī:

"As for the ruling on *hijrah* to the lands of original *kufr* – such as America, Europe, etc. – and living in them in order to improve one's living conditions, the Muslim should not do this. Rather, those who permitted *hijrah* to the lands of *kufr* did so in the case of the absence of *Dār al-Islām* that the Muslim can reach to, provided there was a need for him to do so. In other words, if he is being harmed in his own land and is forced to leave it, just as the early *muhājirīn* left from Makkah to Ethiopia.

As for those who migrate to the lands in question and reside in them without any need for doing so – rather, just for the sake of the *dunyā*, and to improve his living conditions, despite what is known of its evil and *fitnah* for the Muslim's religion, honor, and family – this is not something that the Muslim who is eager to safeguard his religion and family should take lightly. And the joyous one is he who is admonished by others…Everyone that we know there from our intelligent Muslim brothers warn from migrating there without a genuine need, as many of the lands that ascribe themselves to Islām today – despite their *kufr* and corrupt regimes – are better for a man's religion and less of a danger to his family and honor.

And it is said that some evils are lighter than others…

So, we do not advise you to migrate to the likes of America, Europe, etc. from the lands in question so long as it is possible for you to live in these (Muslim) lands that are less in evil and *fitnah* for your religion.

And there is a chapter in *'Sahīh al-Bukhārī'* titled: *'From the Dīn is to Escape From Fitnah.'*

May Allāh protect you from all evil, and from all open and hidden *fitan*."

Appendix III:

To Where Should One Make *Hijrah*?

Shaykh Abū Basīr at-Tartūsī:

"There are many *ahādīth* that indicate the virtue of living in certain countries and regions, as well as the virtues of the inhabitants of those places. Amongst them are Madīnah and Shām.

i) Madīnah:

A number of *ahādīth* have been authentically reported from the Prophet (peace be upon him) regarding the virtues of living in Madīnah.

"Madīnah is better for them if only they knew. Nobody ever leaves it seeking to escape from it except that Allāh gives him what is better than it. And nobody remains firm upon its hardships except that I will intercede or be a witness for him on the Day of Resurrection."[85]

"There will come a time upon Madīnah when the people will leave it for the villages seeking comfort. So, they will find comfort. Then, they will take their families to this comfort, and Madīnah is better for them if they only knew."[86]

"Yemen will be conquered, and some people will migrate (from Madīnah), and will take their families as well as those who will obey them to migrate (to Yemen), although Madīnah will be better for them if they only knew. Shām will also be conquered, and some people will migrate (from Madīnah), and will take their families and those who will obey them, although Madīnah will be better for them if they only knew. Iraq will be conquered, and some people will migrate (from Madīnah), and will urge their families and those who will obey them to migrate, although Madīnah will be better for them if they only knew."[87]

"Whoever of you is able to die in Madīnah, let him do so, for I will intercede for the one who dies in it,"[88] and in another narration: **"Whoever of you is able to die in Madīnah, let him do so, for I will be a witness or intercessor on the Day of Resurrection for whoever dies in it."**

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[85] al-Albānī declared it *sahīh* in *'as-Silsilah as-Sahīhah'* (274)

[86] al-Albānī declared it *sahīh* in *'Sahīh at-Targhīb wat-Tarhīb'* (1189)

[87] al-Bukhārī (1742)

[88] *'Sahīh at-Targhīb wat-Tarhīb'* (1192)

ii) Shām[89]:

"Glad tidings for Shām, glad tidings for Shām, glad tidings for Shām." The Companions asked: "And why is that, O Messenger of Allāh?" He replied: **"O glad tidings for Shām. The Angels of Allāh spread their wings over Shām."**

'Abdullāh bin Hawālah narrated that the Messenger of Allāh (peace be upon him) said: **"You will prepare some armies: an army for Shām, an army for Iraq, and an army for Yemen."** So, 'Abdullāh said: "Choose one for me, O Messenger of Allāh!" So, he said: **"Go to Shām. Whomever is unable to do so should go to Yemen, as Allāh – Mighty and Majestic – has sufficed for me Shām and its people."** Rabī'ah said: "I heard Abā Idrīs narrating this *hadīth* and saying: "Whoever is sufficed by Allāh can never be lost."

"Indeed, when tribulations occur, faith is in Shām."

"If the people of Shām become corrupt, there is no good in you. There will always be a victorious group of my *Ummah*. They will not be harmed by those who betray them until the Hour is established." And in one narration: **"And they are in Shām."**

'Abdullāh bin Hawālah said: "O Messenger of Allāh! Determine for me a land that I should live in, for if I knew that you would be with us for a long time, I would not choose anything over staying with you." The Messenger of Allāh (peace be upon him) said: **"Go to Shām, go to Shām, go to Shām."** So, when he saw that I disliked Shām, he said: **"Do you know what Allāh – the Mighty and Majestic – Said? He Said: *"You are the cream of My lands to which I enter the best of My servants.*" And on the night of my *Isrā'*, I saw a white pillar as if it were made of pearls being carried by the Angels. I asked them: "What are you carrying?" They said: "We are carrying the pillar of Islām, and we were commanded to place it in Shām."""**"

"Go to Shām, for it is the chosen land of Allāh's lands, and it is the destination of His chosen servants."

"A fire will emerge at the end of time from Hadramawt, and it will gather the people together." The Companions asked: "So, what do you command us to do, O Messenger of Allāh?" He (peace be upon him) replied: **"Go to Shām."**

"The city of the Muslims on the day of the Great War (*al-Malhamah*) is in a fertile oasis next to a city called Damascus, and it is from the best cities of Shām."

"On the day of the Great War (*al-Malhamah*), the city of the Muslims is in a fertile oasis in which there is a city known as Damascus. It is the best location for the Muslims on that day."[90]

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[89] What is meant by Shām is Greater Shām, which included Syria, Lebanon, Jordan, and Palestine – all the way to Tabūk.

[90] And the *hadīth* contains glad tidings for the believers that Damascus will return to its glory and position of leadership for the *Ummah*, leading it in *Jihād* for the Sake of Allāh, and victory and establishment, and that this

"There will be *hijrah* after *hijrah*, and the best people of Earth will be those who most closely follow the *hijrah* of Ibrāhīm."

I (Abū Basīr) say that the *hijrah* of Ibrāhīm was to Palestine and its surrounding areas of the land of Shām. And the *hadīth* is an encouragement for the people of Palestine to remain and stay firm in the land of Palestine, which was the destination of the *hijrah* of Ibrāhīm.

"The essence of the lands of the believers is Shām."[91]

I say that what is better than living in Madīnah, Shām, and other similar regions is to stick to the lands in which there is *ribāt* and *Jihād* in the Path of Allāh, and to seek to travel to such lands no matter where one is. This is because it has been authentically narrated from the Prophet (peace be upon him) that he said: **"*Ribāt* in the Path of Allāh for a single day is better than the world and all that is in it, and the space taken up by a leather strap of yours in Paradise is better than the world and what is in it, and one expedition that the servant embarks on in the Path of Allāh is better than the world and what is in it."**[92] And *ribāt* is to remain on the frontlines between the Muslims and their enemies in preparation for fighting, and in order to guard and protect the Muslims from them.

"*Ribāt* for one day and night is better than fasting and praying at night for an entire month, and if one dies during this, he will still be rewarded for the actions that he was doing, and he will be provided for, and he will be protected from the *fattān* (Munkar and Nakīr, who carry out the questioning in the grave)."[93]

"Standing for one hour in the Path of Allāh is better than standing in prayer at night on the night of *al-Qadr* at the Black Stone."[94]

"*Ribāt* for one day in the Path of Allāh is better than one thousand days any other place."[95] And in the narration of Ibn Mājah: **"Whoever engages in *ribāt* in the Path of Allāh for one night, it is as if he engaged in fasting and night prayer for one thousand nights."**[96]

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will happen – sooner or later – and that the dark cloud over Damascus and Shām that is manifested in this disbelieving secular regime will soon fade away, and this is not far off, by the Permission of Allāh.

91 All of the *ahādīth* that have just been mentioned in regards to the virtues of Shām are all authentic, and some of them are in the *'Sahīhayn.'* I extracted them from the book *'Fadā'il ash-Shām wa Dimashq'* with the checking of *Shaykh* Muhammad Nāsir ad-Dīn al-Albānī. So, whoever wishes should refer to it.

92 al-Bukhārī (2892)

93 Muslim (3/1520)

94 *'Sahīh at-Targhīb wat-Tarhīb'* (1223)

95 *'Sahīh at-Targhīb wat-Tarhīb'* (1224)

96 *'Sahīh at-Targhīb wat-Tarhīb'* (1224)

"For a man to stand in rank in the Path of Allāh for a single hour is better with Allāh than worship for sixty years."[97]

Allāhu Akbar! For a man to stand in rank for a single hour preparing for a battle that might not even take place is better with Allāh than worship for sixty years! By Allāh, it is a great gain…there is no way for those who sit behind – no matter how active and able they are in worship – to achieve even one tenth of this level or reward!

Abū Hurayrah reported that it was said: "O Messenger of Allāh! What is equivalent to *Jihād* in the Path of Allāh? He (peace be upon him) said: **"You would not be able to fulfill this."** So, they repeated the question two or three times, to which he again replied: **"You would not be able to fulfill this."** He then said: **"The likeness of the *Mujāhid* in the Path of Allāh is that of the one who is fasting and praying at night with the verses of Allāh, and never ceases praying and fasting until the *Mujāhid* in the Path of Allāh returns."**[98]

And Mu'ādh bin Anas reported that a woman came to the Prophet (peace be upon him) and said: "O Messenger of Allāh! My husband has gone on an expedition, and I used to pray the same amount that he would pray, and would equal him in all of his actions. So, inform me of an action that would equal his action until he returns." So, he said to her: **"Are you able to pray constantly without sitting, fast without eating, and remember Allāh without stopping until he returns?"** She said: "I cannot do this, O Messenger of Allāh!" He said: **"By the One in Whose Hand my soul is, even if you were able to do this, it would not equal even a tenth of what he is doing."**[99]

I say that the woman is in Madīnah, and her husband is on the frontlines outside of Madīnah!

So, this is simply a taste of what has been authentically related in regards to the virtue of being in the lands of *ribāt* and *Jihād*, and we intended simply to give some examples and reminders and not to provide a comprehensive list, as this would require lengthy volumes."[100]

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[97] *'Sahīh at-Targhīb wat-Tarhīb'* (1303)

[98] al-Bukhārī (2785) and Muslim (1878)

[99] *'Sahīh at-Targhīb wat-Tarhīb'* (1303)

[100] Taken from the book *'al-Hijrah: Masā'il wa Ahkām'*